

17 FEBRUARY 1948

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Tuesday, 17 February 1948

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE LORD PATRICK,  
Member from the United Kingdom of Great Britain, not  
sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTPE.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except UMEZU and SATO, who are represented by counsel.  
5 The Sugamo Prison surgeon certifies that they are ill  
6 and unable to attend the trial today. The certificates  
7 will be recorded and filed.

8 Captain Kraft.

9 LANGUAGE ARBITER (Captain Kraft): If the  
10 Tribunal please, the following language correction is  
11 submitted:

12 Record page 4054: delete lines 13-17 and  
13 substitute the following: "Was it not the idea of Cheng  
14 K.iao Hsu and Loh Tseng Yu to revive, in accordance  
15 with the modern conception, the 'Kingly Way' political  
16 system of the early Ching dynasty?"

17 THE PRESIDENT: Thank you, Captain.

18 Mr. Horwitz.

19 MR. HORWITZ: May it please the Tribunal,  
20 continuing on page G-124, at paragraph G-130:

21 G-130. In the meantime, while the negotiations  
22 had reached an impasse and were about to be broken off,  
23 preparations for war went steadily ahead. On Novem-  
24 ber 25, the Japanese Ambassador in French Indo-China  
25

<sup>a.</sup>  
 called for instructions and the Ambassador to Thailand  
 1 advised on the best method of handling the problems in  
 2 that country. <sup>b.</sup> The navy also continued with its prepa-  
 3 rations. The task force which was to strike at Hawaii  
 4 rendezvoused at Takan Bay in the Kuriles on and after  
 5 November 21. On the morning of the 26th, it moved out  
 6 and sailed east to the rendezvous point where the force  
 7 refueled and supplied until December 3 and then turned  
 8 southeast toward Hawaii. <sup>c.</sup> On November 29, the newspapers  
 9 were placed on a wartime basis under the National  
 10 General Mobilization Law. <sup>d.</sup>

11 G-131. The deadline for arriving at a satis-  
 12 factory conclusion of the negotiations having passed  
 13 and the latest reply being totally unsatisfactory to  
 14 the conspirators, there remained to be made only the  
 15 decision to begin the war. On November 19, KIDO had  
 16 suggested to the Emperor that if Japan went to war just  
 17 because the time limit had passed, public opinion might  
 18 be very difficult and the Premier, therefore, before  
 19 making his final decision should be ordered to hold a  
 20 conference of Senior Statesman in the presence of the  
 21 Emperor. <sup>a.</sup> The conspirators, who were about to extend

22 (G-130. a. Ex. 1187, T. 10411-4.  
 23 b. Ex. 1188, T. 10414-7.  
 24 c. Ex. 809, T. 10421; Ex. 1128A, T. 10423-4.  
 25 d. Ex. 1192, T. 10438-9.  
 G-131. a. Ex. 1181, T. 10389-90.)

1 the area of aggressive action, before taking the final  
2 step wished to make sure that their fellow conspirators  
3 would appear to be with them and that all who had held  
4 high political office in Japan would be joined with them  
5 and would have to bear part of the responsibility.

6 G-132. Accordingly, on November 29, the  
7 Senior Statesmen met to give their opinions on the war.  
8 The conference was attended by WAKATSUKI, OKADA, HAYASHI,  
9 YONAI, ABE, KONOUE, HIRANUMA and HIROTA. In the morning,  
10 the situation was explained to this group by TOJO, TOGO,  
11 SHIMADA and SUZUKI, but all really vital material was  
12 withheld on the ground of national defense. In the  
13 afternoon, TOJO met with this group and the Emperor.  
14 At this meeting no one dared to openly express disagree-  
15 ment with the war policy. Only WAKATSUKI was brave  
16 enough to say that if the war was to be fought for  
17 national existence and self-defense, it should be fought  
18 to the end, even if there were no chance to win. But  
19 if it were being fought to realize ideals such as the  
20 Co-Prosperity Sphere, such a war was very dangerous.  
21 The most the others would do was to stress the need for  
22 a careful study of material power.<sup>a.</sup> When the Emperor  
23 was still unsatisfied because of fear that the navy  
24 was not ready, he was assured on the 30th that all was  
25 (G-132. a. Ex. 1196, T. 10452-4; Ex. 3229, T. 29260.)



well by SHIMADA, NAGANO and SUGIYAMA, and the Emperor  
 b.  
 directed TOJO to act according to the program.

G-133. All opposition to the program of war  
 with the United States, Britain and the Netherlands  
 within and without the ranks of the conspirators having  
 been effectively silenced, there remained only the  
 necessity of formally sanctioning the decision for war  
 and the drafting and serving of a declaration of war.  
 The decision to go to war was made on December 1, 1941,  
 at an Imperial Conference called for that purpose.  
 The persons attending were TOJO, TOGO, SHIMADA, SUZUKI,  
 KAYA, IWAMURA (Justice), HASHIDA (Education), INO  
 (Agriculture), KISHI (Commerce), TERASHIMA (Communica-  
 tions), KOIZUMI (Welfare), SUGIYAMA, NAGANO, HOSHINO,  
 MUTO, OKA, TANABE, ITO and HARA.  
 a.  
 b.  
 After a review of  
 the situation by TOJO and TOGO, and a discussion by  
 the others, it was decided that the negotiations with  
 the United States regarding the execution of national  
 policy had failed, and Japan would declare war on the  
 c.  
 United States, Britain and the Netherlands.

G-134. At the conclusion of the conference,  
 the Emperor, as though he had a premonition of what was

(G-132. b. Ex. 1198, T. 10468.

G-133. a. Ex. 1107, T. 10518.

b. Ex. 2954, T. 26072-4; Ex. 2955, T. 26075-93.

c. Ex. 588, T. 10519.)

about to happen, warned TOJO and the others repeatedly  
 1 that the final note must be delivered before the attack.<sup>a</sup>  
 2 The drafting of the final note to the United States was  
 3 done primarily by Foreign Minister TOGO. However, the  
 4 note was submitted to the cabinet and passed without  
 5 objection. It was also approved by the Liaison Con-  
 6 ference.<sup>b</sup>

7 G-135. The time of the delivery of the note  
 8 presented a serious problem both from the diplomatic  
 9 and strategic angles. The task of selecting the time  
 10 for delivering the note had been delegated by the Liaison  
 11 Conference to TOGO, NAGANO and SUGIYAMA.<sup>a</sup> While dip-  
 12 lomatic commitments required that the note be delivered  
 13 prior to any attack, from the standpoint of strategy  
 14 the possibility of victory was related to time, and  
 15 it was felt that the shorter the lapse of time between  
 16 delivery of the note and the attack, the greater the  
 17 elements of surprise and the greater the chance for  
 18 victory.<sup>b</sup> The plan adopted and finally used was to meet  
 19 both the diplomatic and strategic demands. It was  
 20 finally fixed and approved by the Liaison Conference  
 21 on December 6.<sup>c</sup>

23 (G-134. a. Ex. 1201A, T. 10480-1; T. 36800-2.  
 24 b. Ex. 2915, T. 26095-6; Ex. 1202A, T. 10432;  
 Ex. 1206A, T. 10506.  
 25 G-135. a. Ex. 1202A, T. 10483.  
 b. Ex. 1203A, T. 10488.  
 c. Ex. 2915, T. 26096-7.)

G-136. With the decision having been made  
1 for war, the final note drafted and the time of delivery  
2 selected, the negotiations in Washington continued.  
3 On December 1, the newspapers were advised that while  
4 there were wide differences between the United States  
5 and Japan, negotiations were continuing. This was  
6 avowedly done to allay American suspicions. KURUSU  
7 and NOMURA were advised that they alone would handle  
8 the matter, since it had been decided not to submit  
9 the note to Grew in Tokyo.<sup>a.</sup> On December 2, KURUSU  
10 and NOMURA were instructed to burn all telegraph  
11 codes.<sup>b.</sup> On December 2, the President made inquiry of  
12 the two ambassadors as to the reasons for the continued  
13 Japanese troop movements in French Indo-China.<sup>c.</sup> On  
14 the 3d, TOGO advised them to state this rumor was  
15 caused by exaggerated reports of Japan's increasing  
16 and strengthening her troops against the Chinese,  
17 which was natural.<sup>d.</sup> This specious statement was given  
18 as reply to the United States on December 5.<sup>e.</sup>

G-137. On December 6, TOGO advised NOMURA  
21 that the memorandum in answer to the United States was  
22 being sent and was to be kept confidential. The exact

(G-136. a. Ex. 1208, T. 10516-7.  
24 b. Ex. 1211, T. 10524-5.  
25 c. Ex. 1245, T. 10824.  
d. Ex. 1212, T. 10526-7.  
e. T. 10824.



1 time for presentation was to be telegraphed later, but  
2 in the meantime he was to make all arrangements so  
3 that it could be carried out as soon as instructions  
4 were received.<sup>a.</sup> Later that day, NOMURA was instructed  
5 to keep the memorandum secret by avoiding the use of  
6 typists in his preparations.<sup>b.</sup> On December 7, TOGO  
7 ordered the reply to be given at 1300 on the 7th,  
8 Washington time (0300 December 8, Tokyo time).<sup>c.</sup>

9 Having been one of the three persons selected by the  
10 Liaison Conference to choose the time of delivery,  
11 TOGO well knew that the attacks on the United States  
12 and Britain were to take place shortly thereafter.

13 G-138. With war imminent at any moment,  
14 President Roosevelt decided to appeal directly to the  
15 Emperor to avert war. To avoid any possibility of  
16 error, Hull was instructed to send this message in the  
17 non-confidential gray code which was easily decipher-  
18 able.<sup>a.</sup> On December 7, at 0940, the newspapers were  
19 told that the President was sending such a telegram.<sup>b.</sup>  
20 At 1000, Hull in order to facilitate deciphering,  
21 cabled Grew that the telegram was being sent, and at  
22 1100 the President sent the message to Grew marked  
23

24 (G-137. a. Ex. 1216, T. 10534-5.

b. Ex. 1217, T. 10536.

c. Ex. 1218, T. 10537.

25 G-138. a. T. 10824; Ex. 1221, T. 10542-3.

b. T. 10830.

1 "Triple Priority." The message when received by Grew  
2 showed it had actually been received at 1200 in Tokyo.  
3 However, the first message to Grew was never delivered  
4 until 2100, and the message to the Emperor was not  
5 delivered to Grew until 2230.<sup>c.</sup> The reason for the delay  
6 according to the head of the Department of Censorship  
7 of the Ministry of Communications was that on order  
8 from the office of the Chief of Staff all foreign  
9 telegrams were being delayed in delivery from ten to  
10 fifteen hours. This witness further testified that  
11 the contents of Roosevelt's message were known in his  
12 office by not later than 1800.<sup>d.</sup> In view of the fact  
13 that notice of the message was also broadcast on the  
14 radio at 1500 there can be no doubt that its contents  
15 were known to the conspirators in Japan by 1800. The  
16 only explanation given for this delay is that the  
17 conspirators were expecting the telegram to come  
18 directly to the Imperial Household.<sup>e.</sup>

19  
20 G-139. Upon receipt of the message, Grew  
21 immediately asked TOGO for a conference at midnight.  
22 TOGO tried to put it off until the next day, but  
23 finally made the appointment. At 0015 on December 8,  
24 as soon as the telegram was decoded, Grew took it to

25 (G-138. c. Ex. 1224, T. 10552-3.  
d. Ex. 1225, T. 10570-4.  
e. Ex. 2960, T. 26167-81.)

1 TOGO and the latter agreed to present it to the Throne. <sup>a.</sup>

2 Immediately thereafter, TOGO consulted with KIDO and  
3 TOJO about presenting the matter to the Emperor. <sup>b.</sup> TOGO

4 informed the Emperor of the contents of the message  
5 just about the time that the attack was taking place at  
6 Pearl Harbor. In the light of previous events there  
7 was nothing to be hoped for in sending this message,  
8 since when the matter had originally been proposed on  
9 November 26 by KURUSU and NOMURA, TOGO, TOJO and KIDO  
10 had discussed it and had come to the conclusion that  
11 it would not contribute to a satisfactory settlement  
12 and was not worth bringing up to the Emperor. <sup>c.</sup>

13 G-140. Events then began to move rapidly.

14 At 0045, in accordance with instructions of the previous  
15 day directing the taking over of the British concessions  
16 in China, the Shanghai Bund was occupied, in the  
17 course of which operation several British were killed. <sup>a.</sup>

18 At 0140 Kota Bahru was shelled, several British being  
19 killed, and at 0205 the Japanese landed there. <sup>b.</sup> These  
20 attacks were known to some of the conspirators long  
21 beforehand. <sup>c.</sup> Within a short time after the landing at

22 (G-139. a. Ex. 1224, T. 10553.

23 b. Ex. 3340, T. 31048.

24 c. Ex. 1206A, T. 10506-7.

25 G-140. a. Ex. 1219, T. 10538-40; Ex. 1227, T. 10608-12.

b. Ex. 1229, T. 10615-7; Ex. 1230, T. 10619.

c. Ex. 1244A, T. 10707-8.)



1 Kota Bahru, just south of the boundary of Malaya and  
 2 Thailand at 0305, the Japanese landed forces at Singora  
 3 and Patani which were in Thailand just north of the  
 4 boundary. From these two points in Thailand, the  
 5 Japanese crossed the boundary into Malaya.<sup>d.</sup> At the  
 6 time there was no agreement between Japan and Thailand  
 7 authorizing the entrance of Japanese troops. Thailand's  
 8 agreement was obtained only after the occupation was  
 9 in the course of being carried out.<sup>e.</sup> After Japan's  
 10 initial victories had been successfully won and after  
 11 the Japanese forces were well entrenched in Thailand,  
 12 Japan and Thailand concluded an alliance on December 21,  
 13 1941.<sup>f.</sup>

14 G-141. At 0200 (1200) NOMURA requested an  
 15 appointment with Hull for 0300 (1300) for himself and  
 16 KURUSU. Shortly after 0300 (1300) they requested a  
 17 postponement until 0345 (1345).<sup>a.</sup> At 0320 (1320) Pearl  
 18 Harbor was attacked and about 2000 men were killed,  
 19 including Admiral Kidd.<sup>b.</sup> At 0405 (1405) NOMURA and  
 20 KURUSU arrived at Hull's office, and at 0420 (1420) they  
 21 were received by him. NOMURA stated that he had been  
 22 instructed to deliver the memorandum he was then  
 23

24 (G-140. a. T. 5353-7; Ex. 1229, T. 10615-7;  
 Ex. 1230, T. 10619.

25 e. T. 5692; Ex. 1235A, T. 10645-6.

f. Ex. 1338A, T. 12029.

G-141. a. T. 10800. b. T. 11234-5.)

presenting at 0300 (1300) but he had been delayed in decoding it, and thereupon he handed the memorandum to Hull, stating it was being done under instructions from his government.<sup>c.</sup>

G-142. This memorandum in reply to the United States proposal of November 26, which had been prepared by the Foreign Office and approved by the cabinet and the Liaison Conference, stated at great length Japan's thesis that the United States and Britain had been trying to encircle Japan. It reviewed the negotiations and charged that the United States had adhered to its original assertions, failed to show the slightest spirit of conciliation and had finally made a proposal which totally ignored Japan's claims. It contended that Japan had always maintained an attitude of fairness and moderation and had tried its best to reach a settlement for which it had made all possible concessions. The United States, however, had held fast to theories in disregard of realities. The United States might be said to be scheming for the extension of the war and wanted to maintain and strengthen with Britain her dominant position all over East Asia. It was obviously the intention of the United States to conspire with Britain and others to obstruct Japan in establishing (G-141. c. T. 10830; Ex. 1232, T. 10627.)

1 peace through the new order. Japan's hope to adjust  
2 relations and to preserve and promote peace in coopera-  
3 tion with the United States had been lost. It concluded  
4 with a notice that in view of the United States atti-  
5 tude it was impossible to reach an agreement through  
6 further negotiations.<sup>a.</sup> Upon the conclusion of the  
7 reading of the document, Hull stated that in fifty years  
8 of public service, he had never seen a document more  
9 crowded with infamous falsehoods on a scale so huge  
10 and had never imagined any government capable of  
11 uttering them.<sup>b.</sup>

12 G-143. This document was not delivered  
13 until after the attack on Pearl Harbor, and therefore  
14 cannot be construed as a declaration of war or an  
15 ultimatum with a conditional declaration of war delivered  
16 before the attack as required by the Hague Convention.<sup>a.</sup>  
17 However, even if it had been delivered prior to the  
18 attack, it could not be construed as a declaration of  
19 war with reasons or an ultimatum. It was not even a  
20 declaration of intention to sever relations. At most  
21 it merely terminated the pending negotiations. This  
22 becomes even clearer when we recall that YAMAMOTO, who  
23 drew up the original draft of the final note, testified  
24

25 (G-142. a. Ex. 1245K, T. 10831-44.  
b. Ex. 1232, T. 10628.

G-143. a. Ex. 1233, T. 10630-1.)



in the course of cross-examination that he had used  
 1 in his original draft words such as are customarily  
 2 found in ultimatums. These highly significant words  
 3 were deleted from the final note as presented. <sup>b.</sup> The  
 4 failure to deliver the message in time before the attack  
 5 was of great concern to the conspirators. A serious  
 6 detailed study of both the plausible or implausible --  
 7 or even nonsensical -- theories, which might justify  
 8 under the Hague Convention an attack prior to giving  
 9 notice, was made, but no theory was found which would  
 10 give them any assurance of comfort. <sup>c.</sup>

11  
 12 G-144. Following the delivery of the note,  
 13 at 0520, H.M.S. Peterel was sunk, at least one person  
 14 dying as the result of the attack. At 0610 an air raid  
 15 took place on Singapore. <sup>a.</sup> Early the same morning the  
 16 Philippines were attacked. <sup>b.</sup> At 0730, on TOGO's  
 17 invitation, Grew called on TOGO, and the latter told  
 18 Grew that he had seen the Emperor and handed him a copy  
 19 of the memorandum already given to Hull which he said  
 20 was the Emperor's answer. Grew then stated that he  
 21 desired to present the message to the Emperor personally,  
 22 and TOGO replied that he did not desire to stand between

23 (G-143. b. T. 26315-6.

24 c. Ex. 1270A, T. 11315-37.

25 G-144. a. Ex. 1227, T. 10611; Ex. 1228, T. 10613;

Ex. 1229, T. 10616-7.

b. Ex. 1235A, T. 10644-5.)

Grew and the Emperor. TOGO said nothing to Grew to  
1 indicate that war had broken out anywhere or that Pearl  
2 Harbor had been attacked. Later in the morning Grew  
3 learned of the war through newspaper bulletins. Later  
4 still, an official of the Foreign Office came and read  
5 the official announcement of the outbreak of war.<sup>c.</sup> At  
6 0800 Craigie, in response to TOGO's invitation, like-  
7 wise called on TOGO and was given a copy of the memo-  
8 randum given to Hull at 0420. As in the case of Grew,  
9 nothing was said about war having broken out despite  
10 a rather extended conversation. On his return to the  
11 Embassy, Craigie learned for the first time that at 0700  
12 it had been announced on the radio that war had been  
13 begun against Britain and the United States. He was  
14 not officially informed of the outbreak of war until  
15 1130.<sup>d.</sup>

17 (G-144. c. Ex. 1224, T. 10554-5.  
18 c. Ex. 1236, T. 10673-6.)  
19  
20  
21  
22  
23  
24  
25

G-145. At 0805 Guam was attacked and at  
0900 Hongkong was attacked.<sup>a.</sup> At about 1200 the  
Imperial Rescript declaring war on the United States  
and Great Britain which had been approved by the  
Privy Council was issued, signed by TOGO, SHIMADA,  
SUZUKI, TOJO, KAY<sup>b.</sup> and the other ministers. No  
declaration of war was at this time made against or  
served upon the Netherlands, because, as explained by  
TOJO to the Privy Council on December 8, 1941, such  
declaration would be omitted in view of future  
strategic convenience.<sup>c.</sup> However, there was no  
doubt that on December 8, 1941, Japan entered into  
a war with the Netherlands. Recognizing this  
situation, the Netherlands declared that a state of  
war existed between the Netherlands and Japan. The  
fact that Japan did not declare war, even belatedly,  
upon the Netherlands as it did upon the United States  
and Great Britain cannot alter the fact that war  
against the Netherlands had been planned, prepared  
for and decided upon, or it cannot alter the fact  
that the Japanese armed forces had been ordered to  
open hostilities against the Netherlands from

G-145. a. Ex. 1237, T. 10678-9; Ex. 1238, T. 10680-1.  
b. Ex. 1240, T. 10686-9; Ex. 1241, T. 10690-700.  
c. Ex. 1241, T. 10692.



1 December 8, 1941, onwards,<sup>d.</sup> and that, therefore,  
2 Netherlands ships and planes were to be attacked  
3 wherever they were found. The omission of a declara-  
4 tion of a war for strategic reasons under such  
5 circumstances does not alter the fact that aggression  
6 by military force had begun. On January 11, 1942,  
7 the first Japanese troops landed in the Netherlands  
8 Indies and Japan issued a declaration of war against  
9 the Netherlands.<sup>e.</sup>

10 G-146. Moreover, the fact that the Nether-  
11 lands was the first to recognize the existence of  
12 a state of war is wholly immaterial. As pointed out  
13 before, the nonexistence of a declaration of war  
14 does not determine whether a war exists. It is  
15 likewise true that a declaration of war by the victim  
16 alone does not convert an aggressive war against the  
17 victim into a nonaggressive war. The situation of  
18 the Netherlands is similar to the case where three  
19 men are attacked by one or more individuals with intent  
20 to kill, and shots have already been fired by the  
21 attacker against two of the three intended victims,  
22 and the third victim, before any shot is fired  
23 directly at him, shoots the attacker. In both cases

24 G-145. d. Ex. 1252, T. 11196.  
25 e. Ex. 1337, T. 12025-7.

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the action taken is clearly one of self-defense.

1 The case for the Netherlands is an stronger. She  
2 knew from Japan's demands that she was on Japan's  
3 agenda for aggression. Furthermore, the United  
4 States already knew that the decision of November 5,  
5 1941, had been made to go to war with the United  
6 States, Britain and the Netherlands. The United  
7 States had conferred in late November with the  
8 Netherlands Ambassador on the course of the negotia-  
9 tions. a. The Netherlands, at that time, or at the  
10 latest immediately after the attack upon the United  
11 States knew that she was in the war. When we con-  
12 sider all the factors -- Japan's plans and prepara-  
13 tions, her demands against the Netherlands, the  
14 decisions to go to war, the orders issued to the  
15 Japanese armed forces and the knowledge or notice had  
16 by the Netherlands of all of these factors -- we  
17 can only conclude that the fact that the Netherlands  
18 was the first to recognize the existence of a state  
19 of war is wholly immaterial to any of the issues in  
20 this case. The conspirators had been for so long  
21 accustomed to methods of fraud and trickery in working  
22 out their objectives that even in the act of going  
23 to war they could not forget them. Well aware of  
24 G-146. a. Ex. 2948, T. 26053-4.  
25

1 their obligations under treaty to give prior notice  
2 to the United States in the form of a declaration of  
3 war with reasons or an ultimatum with conditional  
4 declaration, they had chosen a form of statement  
5 which in the wildest stretches of imagination could  
6 not be construed as either, and had timed its de-  
7 livery so closely that compliance with treaty obli-  
8 gations would become impossible if the slightest  
9 mishap occurred. That mishap did occur. Although it  
10 is difficult to comprehend the situation that pre-  
11 vailed in the Japanese Embassy at Washington on the  
12 morning of December 7, in view of all the prewar  
13 warning which would call for an atmosphere of alert-  
14 ness, if not of vigil, it is all too clear that the  
15 situation in Washington was in part, if not wholly,  
16 due to the actions of the conspirators in Tokyo. It  
17 was TOGO in Tokyo who ordered NOMURA to avoid the  
18 use of typists, leaving the preparation of the final  
19 note to be made by members of the Embassy who were  
20 admittedly incompetent as typists. b. It was Tokyo  
21 that made the errors which required the corrections  
22 to be made and the retyping of part of the note by  
23 the incompetent typists already under the severe  
24 strain of trying to meet the deadline. Most  
25 G-146. b. Ex. 1217, T. 10536; Ex. 2967, T. 26213-4.



1 important of all, it was the Foreign Ministry in  
2 Tokyo under the accused TOGO which assigned the  
3 priority to the various messages which the Embassy  
4 received that Sunday morning. It was the Foreign  
5 Office which gave the fourteenth part of the final  
6 note a priority of only "very important," while giv-  
7 ing other messages of much less importance urgent  
8 classification.<sup>c.</sup> It was to be expected that the  
9 Embassy in Washington would decode the messages  
10 marked "urgent" first. It was not the Embassy in  
11 Washington but the Foreign Office in Tokyo which  
12 gave an urgent priority to the greeting telegrams  
13 from TOGO and YAMAMOTO, while giving a lower classi-  
14 fication to the telegram containing the important  
15 fourteenth part of the final note.<sup>d.</sup> To mark routine  
16 matters of greeting with a higher priority than a  
17 document which to the accused meant a diplomatic  
18 break and war is certainly not evidence of any desire  
19 to give timely explicit warning. Considering all  
20 the circumstances, the best that can be said is that  
21 the accused timed themselves so finely to the point  
22 of danger, that it could be readily expected that  
23 the note would fail to be delivered on time. As to  
24

25 G-146. c. Ex. 2966, T. 26198.  
d. Ex. 2697, T. 26212.

1 Britain and the Netherlands they made no attempt to  
2 comply with treaty provisions. Long before the time  
3 fixed for delivery of the final note to Hull and  
4 hours before the attack on Pearl Harbor, the actual  
5 delivery of the note to Hull, and the subsequent  
6 delivery of a copy of the note to Craigie, Japanese  
7 forces had attacked British territory.

8 G-147. Japan had now gone to war with the  
9 United States and Great Britain. The conspiracy to  
10 control East Asia and the Pacific and to oust the  
11 Western Powers therefrom had now taken on its final  
12 form. The attacks, the threats, the negotiations, the  
13 lies, the frauds and the tricks having all failed  
14 to accomplish Japan's aggressive purpose, the con-  
15 spirators now gambled all they had obtained and were  
16 seeking to obtain.

17 G-148. With respect to the various facts  
18 of the relations between Japan and the Western Powers,  
19 the defense does not deny them, but on the whole has  
20 devoted much of its time to their corroboration and  
21 enlargement. In defense, aside from the attempt to  
22 lay all blame for the wars on persons now dead, they  
23 seem to rely on two defenses which are more or less  
24 affirmative in nature. First, they aver the United  
25 States and Britain had knowledge that Japan was about

1 to initiate a war. Second, they assert that Japan  
2 did not plan, prepare, initiate or wage an aggressive  
3 war but that due to the economic pressure and en-  
4 circlement caused by the United States and Britain  
5 and other powers, Japan was compelled to fight these  
6 powers in self-defense. It is respectfully submitted  
7 that neither of these defenses is tenable.

8 G-149. The defense predicated on the  
9 knowledge of the United States and Britain that Japan  
10 was about to initiate war against them is, indeed,  
11 a curious one. It certainly cannot be the conten-  
12 tion of counsel for the defense that such knowledge  
13 on the part of the intended victims is a valid  
14 defense against the charges of aggressive warfare,  
15 murder and the conspiracies to commit these crimes.  
16 It certainly has never been in any civilized juris-  
17 diction since ancient days a defense to a charge of  
18 murder that the victims knew he was being killed.  
19 The knowledge or lack of knowledge of the intended  
20 crime on the part of the victim has never been a  
21 defense anywhere in cases of assault, battery, main-  
22 ing, rape, robbery or burglary. It cannot, therefore,  
23 be a defense to the crime of aggressive warfare, which  
24 is the epitome of the crimes mentioned and all other  
25 crimes of violence and evil intent on a huge scale



1 and in their most aggravated and virulent forms.

2 G-150. If, by way of defense in whole or  
3 in part to the murder and conspiracy to murder charges  
4 contained in Counts 37 to 43 inclusive, the accused  
5 intend by this line of evidence to assert the in-  
6 applicability of the provisions of the Hague Con-  
7 vention III of October 18, 1907, it is respectfully  
8 submitted that knowledge of the victim beforehand  
9 is not a substitute for the explicit warning re-  
10 quired by Article I of that Convention.  
11

12 G-151. We must bear in mind that here we  
13 are not dealing with a civil transaction wherein  
14 actual knowledge of the existence of certain facts  
15 by one of the parties involved in the transaction  
16 is equal in dignity to constructive notice given in  
17 the form prescribed by statute and is deemed suffi-  
18 cient to avoid the penalties imposed for failing to  
19 give proper constructive notice. We are here  
20 dealing with a violation of a plain, unambiguous  
21 treaty provision which provides in Article I that  
22 the contracting powers shall not commence hostilities  
23 without previous and explicit warnin in the form either  
24 of a reasoned declaration of war or of an ultimatum  
25 with a conditional declaration of war. To hold

G-151. a. Ex. 14.

1 that actual knowledge by the victim would excuse  
2 the necessity of compliance with this unambiguous  
3 requirement would be nothing more than sheer judicial  
4 amendment of a treaty provision which is so clear as  
5 not to require judicial interpretation. This is  
6 especially true in light of the provisions of  
7 Article II of the same Convention, where with respect  
8 to the notice to be given to neutrals actual knowledge  
9 by a neutral is made the equivalent of the notice to  
10 be given under that section. The inclusion of such  
11 provision in Article II and the exclusion in Article I  
12 is of the highest significance. It is clear that the  
13 actual knowledge of one belligerent does not relieve  
14 the initiating belligerent of its duty of giving  
15 explicit notice.

16 G-152. Furthermore, the knowledge gained  
17 by the United States and Britain, if the latter can  
18 be said to have had actual knowledge, was not ac-  
19 quired because of the righteous openhanded and above-  
20 board conduct of the accused. It was acquired, de-  
21 spite the heavy secrecy within which it lay concealed,  
22 by the watchfulness, sapacity, and hard work of the  
23 intelligence service of the United States. There  
24 is not the slightest iota of evidence that these  
25 accused had any knowledge or even suspicion that the

1 United States possessed this knowledge or were aware  
2 that the United States had the means of acquiring such  
3 knowledge. On the contrary, the accused took every  
4 trick and fraudulent measure to maintain secrecy and  
5 to prevent their intentions from becoming known. With  
6 full knowledge that the United States note of  
7 November 26, 1941, was considered unsatisfactory and  
8 that war was to be decided upon, KURUSU was told not  
9 to break off the negotiations. On November 28,  
10 TOGO advised NOMURA that the negotiations would be  
11 dropped with the submission of Japan's answer and  
12 instructed the Ambassadors not to give the impression  
13 that the negotiations were to be broken off. That  
14 the negotiations were kept open only for the purpose  
15 of fraud and not in the hope that an amicable solution  
16 might miraculously be reached, as alleged by the de-  
17 fense, has been made convincingly clear through the  
18 chief witness for the defense testifying with reference  
19 to the diplomatic section of the Pacific Phase of  
20 their case. YAMAMOTO, the Chief of the American  
21 Bureau, the chief advisor to TOGO on the relations  
22 with the United States, the drafter of the final note,  
23 committed Japan's unspoken policy of trickery and  
24 fraud to writing and in his own handwriting cleared  
25 away any misapprehension as to the real purpose for



~~continuing the negotiations. He bluntly stated~~

1 that although it would be necessary to break off  
2 negotiations at a proper time, they should make it  
3 their main object to strictly guard lest the real  
4 intentions of Japan be perceived and they should  
5 continue the negotiations under an outlined policy  
6 to facilitate execution of future plans. <sup>a.</sup>

7 G-153. The only defense which the accused  
8 have raised which attempts in any way to meet the  
9 really significant issues involved in this proceeding  
10 is the second defense that Japan due to the economic  
11 pressure and encirclement caused by the United States,  
12 Britain and other powers, was compelled to fight  
13 these powers in self-defense for self-preservation.  
14 This proposition has been stated in many ways through-  
15 out these proceedings by defense counsel, and they  
16 have gone so far as to boldly state as their thesis  
17 that "in the years immediately preceding Pearl Harbor  
18 the economic and military pressure of the Western  
19 Powers was deliberate, premeditated and coordinated,  
20 and they acted with full and expressed knowledge of  
21 the consequences -- WAR. As an affirmative defense  
22 it will be shown that the situation became so increas-  
23 ingly oppressive and acute that true to expectations  
24 G-152. a. Ex. 2975, T. 26292-300.  
25

and desires of the Western Powers that Japan strike  
the first blow, Japan was ultimately forced to make  
a decision to fight for her very existence.<sup>a.</sup> To  
support this brazen concept, which is in no way novel,  
and is entirely indistinguishable from the pre-war  
propaganda line of the Japanese war leaders, includ-  
ing the present accused, the defense adduces four  
propositions. First, the United States and Britain  
and others took certain economic measures against  
Japan which isolated Japan economically.<sup>b.</sup> Second,  
the "military minds of the great powers were plotting  
a course of warfare against" Japan.<sup>c.</sup> Third, the  
United States militarily threatened Japan.<sup>d.</sup> Fourth,  
the United States intervened in the Sino-Japanese  
conflict to a degree unprecedented between non-  
belligerent powers.<sup>e.</sup>

G-153. a. T. 24778.  
b. T. 24790-2.  
c. T. 24792.  
d. T. 24794.  
e. T. 24794.

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1        G-154. Not one of these propositions, it is  
2        respectfully submitted, when considered in light of  
3        all the evidence, can be sustained; and as they fall,  
4        so must fall the major propositions based upon them.  
5        With respect to the economic measures taken by the  
6        United States, Britain and the Netherlands, it need  
7        not be pointed out that these measures were not im-  
8        posed in a vacuum upon an innocent, clean-handed, un-  
9        suspecting Japan, but were taken after a long period  
10       of patient waiting in answer to the continuing aggres-  
11       sion of Japan in an effort to stop that aggression.  
12       It is significant that the United States did not  
13       abrogate its Commercial Treaty of 1911 until after  
14       Japan, in disregard of all treaties and commitments,  
15       had completed her aggression in Manchuria and had been  
16       condemned by the League of Nations as an aggressor  
17       nation;<sup>a.</sup> until after Japan was again well launched  
18       in an aggressive campaign against China and both her  
19       program<sup>b.</sup> and her methods<sup>c.</sup> had been again condemned  
20       by the League and the United States; and until after  
21       Japan in the course of her aggression in Manchuria  
22       and China had destroyed American lives and property,  
23       had deprived Americans of their businesses and their  
24       right to do business, had established monopolies for  
25

G-154. a. Ex. 59.

b. Ex. 958, T. 9461; Ex. 959, T. 9462.



Japanese and granted other preferential rights to  
1 Japanese, and had ignored every protest made by the  
2 United States. It was abundantly clear that so far  
3 as Japan was concerned she no longer regarded the  
4 treaty as imposing any obligation upon her, while the  
5 United States was still bound to give Japan the posi-  
6 tion to be accorded to a most favored nation.<sup>d.</sup> It is  
7 also significant that when the United States finally  
8 did abrogate the treaty, she did so openly without  
9 dissimulation in accordance with the procedure pre-  
10 scribed by the provisions of the treaty. The United  
11 States imposed no embargo of any kind until Japan was  
12 well-launched in her course of aggression against  
13 China and until it was evident to the United States, her  
14 people and to the entire world that Japan's imports  
15 from the United States were being used as munitions  
16 and implements of aggressive war against China. When  
17 the United States did finally impose her embargo  
18 policy, as can be seen from the list of embargoed  
19 materials introduced into evidence by the accused, she  
20 restricted only the export of munitions, war materials  
21 and materials that could be converted for use for war.  
22 Furthermore, it was no secret to the world that during  
23 the period of the embargoes the United States was  
24  
25

G-154. c. Ex. 962, T. 9474; Ex. 963, T. 9475.

d. Ex. 53; Ex. 994, T. 9602.

1 providing for her own self-defense against an even  
2 more serious threat from Hitlerite Germany. Japan's  
3 ally, which endangered not only the lives and property  
4 of her citizens but her way of life itself. To con-  
5 tinue to furnish the embargoed goods to Japan would  
6 have meant that either the United States was joining  
7 the cause of Germany and Japan or that she was fool-  
8 ishly providing Japan, which stood firmly committed to  
9 Hitler, with materials which the United States needed  
10 for her own defense and which could be used for the  
11 destruction of both her allies and herself as a na-  
12 tion. Certainly these accused would not claim that  
13 the United States owed any duty or obligation to Japan  
14 to supply her with the materials of war to be used to  
15 the detriment of the United States, her allies and to  
16 all the things she stood for. Neither the United  
17 States nor Britain nor the Netherlands took any action  
18 to freeze Japanese assets until Japan had moved her  
19 troops into Southern French Indo-China, a move that  
20 could no longer be disguised as a device to end the  
21 China Incident. Throughout the entire 1941 negotia-  
22 tions, the United States repeatedly offered to assist  
23 Japan to obtain the materials she needed if only she  
24 would desist from her policy of aggression.

25 G-155. The defense themselves do not place

1 much reliance upon their second allegation that the  
2 military minds of the great powers were plotting a  
3 course of warfare against Japan. After boldly stating  
4 this proposition, they qualify it by stating that the  
5 early planning denoted that the military minds of  
6 the great powers were performing a routine function  
7 with actual execution of war preparations being con-  
8 sidered exceedingly remote while the later plannings  
9 recognized the probability of armed conflict with  
10 Japan and expressed strategic measures to meet that  
11 situation. Thus by the defense's own admission, the  
12 so-called allied "plotting of warfare" was nothing  
13 more than strategic preparation against the possibility  
14 or probability of armed conflict with Japan. In con-  
15 trast to the tremendous quantities of evidence intro-  
16 duced both by the prosecution and the defense that  
17 Japan was not strategically preparing against the  
18 possibility or probability of war with the allied  
19 powers but was planning and preparing to initiate and  
20 wage wars of aggression against the allied powers,  
21 there is not an iota of evidence that the allied powers  
22 did anything more than to begin to prepare strategi-  
23 cally against war with Japan. There is not a single  
24 piece of evidence in the entire record to indicate  
25 that the allied powers had any intention of waging



1 war on Japan or that they would ever have done so if  
2 Japan had not struck first.

3 G-156. The third proposition that the United  
4 States threatened Japan with war is based on the fact  
5 that in 1940 the United States moved her Pacific Fleet  
6 from California to Hawaii, allegedly only to threaten  
7 Japan into submission to American demands. When we  
8 recall that Hawaii is American territory and that the  
9 only demands that the United States at any time made  
10 on Japan was that Japan stop acting like a brigand,  
11 desist from her course of aggression and abide by the  
12 firm and solemn commitments of her treaties and  
13 assurances, we can see that there is no validity to  
14 this proposition. That the United States hoped that  
15 the removal of her fleet to Hawaii might act as a  
16 deterrent to Japan's brigandage and piracy and that  
17 some in the United States feared that this and the  
18 embargo policy might lead to war cannot be denied.  
19 However, this is far different from saying the United  
20 States threatened Japan with war, especially in the  
21 light of the evidence which shows no intention on the  
22 part of the United States at any time to go to war with  
23 Japan but rather an intention to take action which  
24 would deter Japan from increasing the scope of her  
25 aggression.

G-157. The United States admits the fourth charge that she rendered aid economically and in the form of war materials to China to a degree unprecedented between non-belligerent powers and that some of her nationals fought with the Chinese against the aggression of Japan. However, the situation was likewise unprecedented. Although millions of troops were involved on both sides and some of the greatest battles of the world were being fought, Japan carefully avoided and refrained from declaring war against China. Under such conditions, there was nothing to require the invocation of the laws of neutrality. It was Japan that formulated the conditions under which she was fighting and she cannot be heard to complain when other nations took her at her word and acted in accordance therewith. The complaint that United States aid to China meant "the spilling of more Japanese blood on Chinese soil" comes with poor grace from these accused whose actions had already caused the spilling of the blood of millions of Chinese and thousands of Japanese before any aid came to China from the United States. The spilling of Japanese blood was one of the foreseeable consequences of Japan's aggression. To stop the spilling of Japanese blood, Japan had only to stop her aggression. Furthermore, the aid rendered by the

United States was no gratuitous interference into the private affairs of Japan. The United States stood committed to preserve the independence and integrity of China.<sup>a.</sup> In giving aid she was only expressing unqualified concurrence in the amply supported finding of the League of Nations that Japan in contravention of treaties was the aggressor,<sup>b.</sup> and in the recommendation, which the League was legally qualified to make, that its members refrain from any actions which might effect a weakening of China's power of resistance, and, as far as they could, individually extend aid to China.<sup>c.</sup>

G-158. The absurdity of invoking a plea of self-defense by these accused is only exceeded by the brazenness and audacity with which it is raised. It is the ancient cry of the murderer, who, in the course of pursuit, kills a member of the pursuing party and thereafter claims his second killing was in self-defense. Such a defense has been recognized at no time, in no place, in no legal criminal system. Such a plea is the antithesis of all law and order, and cannot and must not be recognized here.

G-159. Moreover, the plea of self-defense is not an honest one. The very vastness of the scope of Japan's plans and of the areas covered by them

G-157. a. Ex. 28

b. Ex. 962, T. 9474-5; Ex. 963, T. 9476-7

c. Ex. 617-A, T. 6817-9.



1 alone makes it clear that Japan's actions were not in  
2 self-defense. Certainly, it cannot be said that for  
3 Japan's defense, whether it be military, political or  
4 economic, it was necessary for her to control and  
5 dominate all of East Asia and all of the Pacific.  
6 The concept of self-defense was only a pretext used  
7 by the conspirators both to hide and to further their  
8 plans of aggression. The record in these proceedings  
9 is replete with instances where the conspirators used  
10 the argument of self-defense, or a related doctrine,  
11 as a pretext for the aggressive actions that they were  
12 taking or were planning to take. The conspirators  
13 among themselves, time and time again, recognized that  
14 "self-defense" was only a pretext. At the Joint  
15 Conference of War, Navy and Foreign Ministries of July  
16 12, 1940, which considered strengthening relations with  
17 Germany, it was stated that an agreement with Germany  
18 would be made against the United States even if an  
19 agreement with the United States to guarantee the peace  
20 of the Pacific was concluded and the United States  
21 was no longer a menace in the Pacific.<sup>2.</sup> In the policy  
22 decided on September 28, 1940, it was stated that "by  
23 using the pretext that Britain is aiding Chiang Kai  
24 Shek by the Burma route" and "by using the pretext  
25 that we cannot stand the Oriental peace being threatened

1 by British military forces based in Singapore," Japan  
2 would request Britain to remove all her forces from  
3 the Pacific, and in case of Britain's refusal, start  
4 war. The same plan recognized that this pretext would  
5 hamper relations with the United States, but they felt  
6 it likely that something which they could use as a  
7 direct reason would arise by that time. b.

8 G-160. This entire matter can be summarily  
9 disposed of by positing one single question: "What could  
10 the United States, Britain and the Netherlands gain  
11 from going to war with Japan?" This question is large-  
12 ly rhetorical in nature and actually requires no answer  
13 from any thinking person. Britain certainly wanted no  
14 war with Japan. Britain at that time stood alone  
15 without military allies in the greatest crisis and  
16 fight of her history. Her cities were being bombed  
17 to destruction, and she faced the daily imminent  
18 threat of invasion by Hitler's Germany which had  
19 avowedly dedicated itself to the destruction of all  
20 that was Britain and her way of life. To make war on  
21 Japan at that time would have been nothing less than  
22 insanity. The Netherlands, completely subjugated by  
23 Germany, was in an even worse position. The United  
24 States likewise had nothing to gain. Faced with the  
25 G-159. b. Ex. 628

1 possibility that she might daily be drawn into the  
2 vortex of the European maelstrom, she had nothing to  
3 gain from a war with Japan, even if she won, except  
4 the right to retain that which she already possessed.  
5 Japan on the other hand, if she could successfully  
6 carry out her plans, could expect to be the master of  
7 all China, Southeast Asia and the Southwest Pacific.

8 G-161. The inherent difficulty with the  
9 defense of self-defense in this case lies in the fact  
10 that the accused are attempting to use it to cover a  
11 situation which is diametrically opposed to the pur-  
12 poses for which the defense was conceived and hitherto  
13 allowed. It is the essence of the defense of self-  
14 defense that an act, which would otherwise be deemed  
15 criminal, will be excused if performed in defense of  
16 what one already possesses, such as one's life, one's  
17 person, one's home or one's property. It has never  
18 been applied to excuse the commission of an act, other-  
19 wise unlawful, in the course of obtaining or acquiring  
20 something which one did not already possess or have a  
21 prior right to obtain or acquire.

22 May it please the Tribunal, Mr. Tavenner will  
23 continue.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please:



4. THE CREATION OF THE GREATER EAST ASIACO-PROSPERITY SPHERE

G-162. The complete inadequacy of a plea of self-defense in this proceeding and the real aggressive character of Japan's military movement into Southeast Asia and the South Seas are both fully manifested when we turn to consider the policy adopted by the conspirators for these areas and the statements, acts and conduct of the conspirators in applying that policy. Even before the final decision had been made to go to war against the United States, Britain and the Netherlands, steps had been taken to provide for the use of the southern areas belonging to those powers for Japan's aggressive purposes. On November 28, 1941, the Cabinet decided to organize in the Cabinet the Sixth Committee from personnel of the Planning Board, and the Foreign, Finance, War and Navy Ministries to discuss and draft matters on economic plans and control for the South Seas, so that there would be controlled activation of all national power under a united policy to establish a powerful national defense state. On December 2, 1941, the day following the decision for war, the committee was established under the chairmanship of the President of the Planning Board. Both the committee's existence and its

a.  
work were to be kept secret.

1           G-163. On December 12, 1941, the new com-  
2       mittee filed its first report entitled "Outline of the  
3       Economic Counter-Plans for the Southern Area." The  
4       principal aims of this policy were to fill the demand  
5       for important national resources, thereby contributing  
6       to the execution of the war, and, at the same time,  
7       to establish a system of autarchy for the Co-Prosperi-  
8       ty Sphere and to find means of strengthening Japan's  
9       economy. For the purpose of this plan, the southern  
10      areas were divided into two groups: Area A, which  
11      included the Netherlands Indies, Malaya, Borneo and  
12      the Philippines, and Area B, which was to include Indo-  
13      China and Thailand. With respect to Area A, there  
14      were two counter-plans. One provided for acquiring  
15      natural resources to carry out the war and the other  
16      provided for the completion of the Co-Prosperity  
17      Sphere. With respect to Area B, steps were to be  
18      taken based on pre-arranged policy and utilizing  
19      Japan's prestige and coercive power, which would in-  
20      crease with developments in Area A, to realize the  
21      demands for important resources. If the situation  
22      changed suddenly, another policy for Area B would be  
23      decided. The plan provided in some detail for the  
24      G-162. a. Ex. 1331, T. 11944-7  
25

1 exploitation of the natural resources of the southern  
2 areas generally.<sup>a.</sup>

3 G-164. On December 14, 1941, a plan for man-  
4 aging the southern area was formulated. Its purpose  
5 was to guarantee the security of Japan and to estab-  
6 lish the organization necessary for constructing the  
7 Co-Prosperity Sphere in which Japan was the leader.  
8 Its basic policies were to acquire and use military  
9 bases and to acquire the right to station troops to  
10 secure the demands for resources for national defense  
11 and to tighten economic cooperation, and to sever the  
12 political shackles of the Western Powers and at the  
13 same time to respect the desire of the people for  
14 emancipation and independence.<sup>a.</sup> While the instrument  
15 spoke of respecting the desires of the people for eman-  
16 cipation and independence, it also made it quite clear  
17 that independence would be granted only when it suited  
18 Japan to do so, and that the independence to be grant-  
19 ed would follow the Manchukuoan model. The Philippines  
20 and the Indonesian Federation, made up of Java, Sumatra  
21 and the Celebes, were to become independent. However,  
22 these independent states were to provide Japan with  
23 military bases, to cooperate economically with Japan  
24 in developing and utilizing natural resources, and to  
25

G-164. a. Ex. 1333A, T. 11960-2.

G-163. a. Ex. 1332, T. 11948-5c.



act hand in hand diplomatically with Japan, the latter  
1 to participate in their military & diplomacy. The Indo-  
2 nesian Federation was to have as dominions certain  
3 of the Netherlands' other possessions, but Japan was  
4 to direct the control of those dominions. The rest  
5 of the Netherlands Indies, Singapore, the Straits  
6 Settlements, British North Borneo and Sarawak were to  
7 be incorporated into the Japanese Empire and governed  
8 by a Japanese Governor-General from Singapore. The  
9 Malay States were to be organized into kingdoms and  
10 made protectorates of Japan to be directed and con-  
11 trolled by the Governor-General at Singapore.<sup>b.</sup>

12 G-165. Moreover, the plans were not limited  
13 in their scope to the areas to which Japanese mili-  
14 tary might had spread. In a maneuver of the Total  
15 War Research Institute of February 18, 1942, rather  
16 complete plans were formulated for the establishment  
17 of the Co-Prosperity Sphere. These plans covered all  
18 contingencies and situations that might exist at the  
19 end of the war and set forth the methods by which the  
20 various programs would be attained.<sup>a.</sup> As the basis  
21 for this maneuver, the Institute had prepared as of  
22 January 27, 1942, a basic plan for the establishment  
23 of the Greater East Asia Co-Prosperity Sphere. This  
24

25 G-164. b. Ex. 1333A, T. 11962-6.

G-165. a. Ex. 1335, T. 11975-12006.

plan stated that the states, citizens and resources  
1 belonging to Central Asia and the Pacific and Indian  
2 Oceans were to be established as an autonomous zone  
3 under Japan's leadership. The first problem was to  
4 establish an inner sphere, absolutely vital to Japan  
5 and requiring absolute safety of defense, which would  
6 include Japan, Manchukuo, North China, the Lower  
7 Yangtze and the Russian Maritime Area. The second  
8 problem was to establish the Smaller Co-Prosperity  
9 Sphere, which would include the inner sphere, Eastern  
10 Siberia, China, Indo-China, and the South Seas. This  
11 area was to be perfectly defended against invasion  
12 from Europe and America. The third problem was the  
13 establishment of the Greater Co-Prosperity Sphere,  
14 which would include the Smaller Sphere plus Australia,  
15 India and the Pacific Islands. The construction of  
16 the Great Sphere required not only complete prosecution  
17 of the Pacific War but presupposed another great war  
18 in the future. The immediate problem was the construc-  
19 tion of the Smaller Sphere. To attain this, American-  
20 European influences were to be driven out and the  
21 desires of the people for independence were to be  
22 respected. However, it was specifically noted that  
23 the conception of independence did not include the  
24  
25

1 ideals of liberalism or the principle of national  
2 determination. Japan was to decide the proper forms  
3 of government upon consideration of military and  
4 economic requirements and the elements peculiar to  
5 each.  
6

7 G-166. Regardless of the idealistic language  
8 used by the conspirators in some of the plans, it is  
9 evident that Japan's purpose, as disclosed in the  
10 plans and as openly expressed in one of them, was to  
11 expel from the southern regions the influence of the  
12 United States, Britain and the Netherlands, and to  
13 decide for those regions matters concerning sovereignty,  
14 politics, culture and economy according to Japan's  
15 desires.<sup>a.</sup> The basic idea of all the plans was to  
16 bring the areas to which Japan's military forces had  
17 spread, or to which they might spread, under the com-  
18 plete control and domination of Japan. To attain this  
19 end, certain basic principles were to be followed.  
20 Cooperation among Japan, Manchukuo and China was to  
21 be strengthened. Ties were to be formed under Japan's  
22 guidance, and the offices for cooperative work were to  
23 be in Japan. Military keypoints were to be secured.  
24 Popular dependence upon Japan was to be strengthened,  
25 and the common ideals of establishing the Sphere en-

G-165. b. Ex. 1336, T. 12009-21

G-166. a. Ex. 1334, T. 11968-74



1 forced emigration of able-bodied Japanese to these  
2 areas was to be encouraged. Finally, the universal  
3 diffusion of the Japanese language and the inter-  
4 change of culture were to be carried out.<sup>b.</sup>  
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G-166. b. W. 1336, T. 12020-1

G-167. Japan's program for Greater East Asia went far beyond the planning stage. From the beginning measures were taken to effectuate the plans. While throughout the war the actual administration of the policy was carried out by the army and navy, within a year of the time that hostilities began, the permanent machinery for effectuating the Greater East Asia program had been fully set up. On November 1, 1942, the Greater East Asia Ministry was established. To the Greater East Asia Minister was assigned the task of administering the various political affairs, excepting purely diplomatic affairs, concerning Greater East Asia, the matter of the protection of the commercial interests of Japan in the countries within the Sphere, matters relating to Japanese subjects residing in the Sphere, and matters concerning emigration, colonization and cultural works. The minister was to superintend the business of the Kwantung and South Seas Bureaus and was to direct and supervise diplomatic and consular officials stationed in the Sphere. In addition, in order to extend co-operation to the army and navy, this ministry was to conduct the administration of the occupied areas within Greater East Asia. The Manchurian Affairs Bureau, the China Affairs Board and the Overseas Ministry, which had been the Japanese equivalent of the usual colonial ministry, were

1 abolished, and in their places there was set up within  
2 the new ministry the Manchurian Affairs, the China  
3 Affairs and the Southern Area Affairs Bureaus.<sup>a.</sup> The  
4 ordinance establishing the Ministry left little doubt  
5 that the entire area of the Greater East Asia Sphere was  
6 to be treated as a colonial possession of Japan. The  
7 fact that the administration of the area and the powers  
8 which traditionally, not only in Japan but also in all  
9 other nations, are under the jurisdiction of the Foreign  
10 Minister were transferred to the new ministry, which was  
11 in essence an enlargement of the former ministry of  
12 colonial affairs, is in itself clear proof that the new  
13 areas were to be colonies of Japan. Whatever doubt there  
14 might have been about this matter because purely diplo-  
15 matic affairs remained within the jurisdiction of the  
16 Foreign Minister was eliminated in the hearings before  
17 the Privy Council, where it was made clear that this  
18 separation of powers was only a temporary expedient to  
19 meet an immediate situation. In the Privy Council it  
20 was pointed out that due to respect for dignity and the  
21 formality of the exchange of documents, customary diplo-  
22 macy must be continued under the Foreign Minister, but  
23 it was Japan's ideal to have its relations with the area  
24 develop into the relations of a single large family, so  
25 (G-167. a. Ex. 90.)





representatives of the meeting were the puppet leaders  
 1 of the various "independent states" created by Japan  
 2 after the outbreak of the war. Burma was represented by  
 3 Ba-Ma, and the Philippines by Laurel.<sup>c.</sup> Whatever may  
 4 have been the original intention of these puppet leaders  
 5 of the so-called "independent" states, they knew by this  
 6 time that they were puppets and that their nations were  
 7 independent in name only. Ba-Ma had already complained  
 8 that although his country was supposed to be independent,  
 9 he had to carry out orders of the Japanese army and that  
 10 there was interference in state affairs within the scope  
 11 of his powers.<sup>d.</sup> Laurel had been appointed President of  
 12 the Philippines by a commission chosen and dominated by  
 13 the Japanese.<sup>e.</sup> At the assembly, speeches were made by  
 14 TOJO and the several puppet rulers.<sup>f.</sup> Even a casual  
 15 reading of the several speeches discloses such a unity  
 16 of ideas and content that there is at the least a sus-  
 17 picion that they were all prepared either by the same  
 18 person or after the same model. The Assembly concluded  
 19 with the adoption of a Joint Declaration of Basic  
 20 Principles.<sup>g.</sup> These basic principles were in substance  
 21 the same principles which Japan had been announcing to

(G-168. c. Ex. 2352, T. 18091-3; Ex. 2353, T. 18093-6.

d. T. 17948.

e. T. 17959-60.

f. Ex. 1347A, T. 12103-6; Ex. 2351, T. 18089-91;

Ex. 2352, T. 18091-3; Ex. 2353, T. 18093-6.

g. Ex. 1346, T. 12098-100.)

1 the world for some time past. We have already seen the  
2 real meaning of these principles as worked out in the  
3 concrete plans of Japan. In the absence of any evidence  
4 that this statement of principles had a different mean-  
5 ing at this time, we can only conclude that their con-  
6 tent was identical with the earlier statements by Japan  
7 and equally as deceptive and fraudulent.

8 G-169. Although the independence which Japan  
9 granted to certain units was independence in name only,  
10 Japan was reluctant to grant it to other units of the  
11 Sphere. This was particularly true with respect to the  
12 Netherlands Indies. Although TOJO himself was in favor  
13 of granting independence in name to the Netherlands  
14 Indies, due to the opposition of the Supreme Command, it  
15 was decided during the TOJO Cabinet not to grant inde-  
16 pendence but to adopt territorial incorporation as the  
17 policy for the Netherlands Indies.<sup>a.</sup> This decision re-  
18 mained unchanged during the TOJO Cabinet, but during  
19 the KOISO Cabinet arguments in favor of granting inde-  
20 pendence began to carry some weight.<sup>b.</sup> On September 2,  
21 1944, in order to secure the co-operation of the natives  
22 in carrying on the war which Japan was then rapidly los-  
23 ing, it was decided to announce in the Diet that the  
24 Netherlands Indies would be made independent in the  
25

(G-169. a. Ex. 1344, T. 12107.  
b. Ex. 1344, T. 12108.)



c. future at a time to be separately determined. Pursuant

1 to this decision, KOISO made the planned announcement to  
2 the Diet on September 7, 1944.<sup>d.</sup> However, nothing fur-

3 ther was done, and in the meantime Japan's military  
4 position deteriorated severely, and it became impossible  
5 to win over the natives by abstract statements of inde-  
6 pendence.<sup>e.</sup> On July 17, 1945, when Japan was already

7 seeking peace, it was therefore decided to grant inde-  
8 pendence to the Netherlands Indies as soon as possible.<sup>f.</sup>

9 Less than a month later Japan surrendered, and it be-  
10 came impossible to make the program effective.<sup>g.</sup> It is  
11 on the whole plain that the conspirators had no intention  
12 of granting even independence in name except when it was  
13 impossible not to do so. For areas deemed vital to Japan  
14 not even such limited independence would be granted so  
15 long as the conspiratorial plan seemed to have any  
16 chance of success. It was promised to the Netherlands  
17 Indies only after Japan had been completely defeated and  
18 the entire conspiracy had failed.  
19

20 G-170. Any and all idealistic statements of  
21 principles enunciated by the conspirators and any and all  
22 promises made by them were completely belied by their  
23 actions in the occupied areas. Their actions made it  
24

25 (G-169. c. Ex. 1348, T. 12110-11.  
d. Ex. 1344, T. 12113-4.  
e. Ex. 1344, T. 12114.  
f. Ex. 1349, T. 12116-9; Ex. 1350, T. 12121-3.  
g. Ex. 1344, T. 12115.)

1 clear that it was their real intention to control and  
2 dominate the occupied areas in accordance with Japan's  
3 wants and desires regardless of the desires, needs or  
4 welfare of the peoples of the occupied areas. Japan  
5 treated the seized territory not in the manner of the  
6 liberator, which the accused profess that she was, but  
7 as though that territory was her own property subject to  
8 her will and disposal. After conquering Malaya and Burma  
9 Japan approved the annexation of four of the Malayan  
10 states and two Shan states by Thailand.<sup>a.</sup> When it was  
11 pointed out in the Privy Council that occupying nations  
12 had no territorial rights in occupied areas and that such  
13 action was therefore contrary to international law, the  
14 ruse was adopted of terminating the military administra-  
15 tion in the area to be annexed and allowing Thailand to  
16 annex. That this was only a stratagem to get around the  
17 law was made perfectly clear by TOJO, who stated that the  
18 Japanese army already firmly believed that this was Japa-  
19 nese territory and that international law should be ob-  
20 served so long as the enemy observed it, but that it  
21 should be interpreted from the viewpoint of carrying on  
22 the war according to Japan's own opinions.<sup>b.</sup>

23 THE PRESIDENT: We will recess for fifteen  
24

25 (G-170. a. Ex. 1275, T. 11364-5.  
b. Ex. 1275, T. 11366-7.)

minutes.

1                   (Whereupon, at 1045, a recess was  
2                   taken until 1100, after which the proceed-  
3                   ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If it please the Tribunal.

5 G-171. In French Indo-China it was official-  
6 ly recognized by the Foreign Office that the movement  
7 into that region from the beginning had been for the  
8 purpose of establishing Japan's military, political  
9 and economic supremacy over Indo-China.<sup>a.</sup> No sooner  
10 had Japan obtained the right to jointly defend this  
11 area than she began to take steps to dominate and  
12 control it according to her own desires. By local  
13 military agreement Japan not only obtained certain  
14 rights as to defense of the territory, but also ob-  
15 tained additional valuable rights and concessions as  
16 to employment of material and labor, anti-espionage  
17 and control of information. While the Japanese had  
18 full use of the airbases and harbors, the French were  
19 not permitted either to move their ships or to have  
20 access to Camranh Bay without Japanese permission.  
21 The Japanese had the right to take over the railroads  
22 and control inland water transportation. The Japanese  
23 had liaison men in all French communication centers  
24 and also had the right to establish their own radio

25 G-171. a. Ex. 657, T. 7139

b. station. In addition, Japan acquired a special economic position. By the Protocol of July 29, 1941, Indo-China had agreed to furnish for Japanese troops Indo-Chinese currency, and Japan had agreed to pay for this currency at the choice of France in free yen, American dollars or gold.<sup>c.</sup> In January 1943, this obligation was repudiated, and Japan notified France that this obligation as well as all commercial and non-commercial payments would be repaid in special yen.<sup>d.</sup> The net effect of this device was that France and French Indo-China paid all the costs of the Japanese occupation. In the matter of customs, Japan was given most favored nation treatment. Japanese goods were subject only to minimum tariffs, but certain goods were to be exempted from duty or subject to further reduction. Raising of tariffs against Japan was subject to restriction.<sup>e.</sup> Indo-China was compelled to furnish Japan with rice and rubber.<sup>f.</sup> Under the Treaty of Residence and Navigation for Indo-China, Japanese received all the rights of residence, travel, ownership, and occupation possessed by the nationals of Indo-China.<sup>g.</sup> In addition, Japanese were accorded

G-171.

b. Ex. 656, T. 7122-31	f. Ex. 660, T. 7155-7;
c. Ex. 651, T. 7148	Ex. 654A, T. 7157-9
d. Ex. 659, T. 7146-7	g. Ex. 46, T. 7159-61
e. Ex. 637, T. 7149-51	

1 special privileges not accorded to other foreigners by  
2 virtue of a special protocol which was to be kept  
3 secret, so no third power could share under a most  
4 favored nation clause the privileges equally with  
5 Japan.<sup>h.</sup> By virtue of these special privileges the  
6 Japanese seized all valuable raw materials, and her  
7 agents swarmed all over the country carrying out  
8 economic espionage. They also bought up rice fields  
9 and kapok plantations and had formed a syndicate to  
10 buy up the rubber plantations.<sup>i.</sup>

11 G-172. However, these special military and  
12 economic rights and privileges, which Japan had ex-  
13 torted from Vichy and which gave Japan virtual control  
14 of Indo-China, were not deemed sufficient by the  
15 Japanese. Japan had promised France to respect the  
16 territorial integrity of Indo-China and to withdraw  
17 her troops upon the establishment of peace. There  
18 was no intention of keeping this promise. On the con-  
19 trary it had been determined that Indo-China would be  
20 part of the Greater East Asia Co-Prosperity Sphere.  
21 Actions were immediately taken to make it unnecessary  
22 for Japan to keep her promise to Vichy. As early as  
23 June 1941, Japan working through the Pan-Asiatic League  
24 G-171.

25 h. Ex. 637, T. 7161-3  
i. Ex. 652, T. 7163-4



was stirring up an independence movement in Indo-China.

The League opened branch offices in Hanoi, Haiphong and

Saigon and, pursuant to orders from Japan, trained

instructors and propagandists, agitated for Annamite

independence, trained native agitators to foster anti-

French uprisings, fostered pro-Japanese sentiment,

placed suitable observers at all important centers of

production and communication, reported on troop move-

ments and located all raw materials important for

Japan.<sup>a.</sup> This activity was only a repetition of the

pattern set a decade earlier in inspiring the inde-

pendence of Manchuria. If by fostering this movement

a demand for independence could be shown to have been

created, which Japan could pretend to recognize as

genuine, and if an independent Indo-China could be

established which, like Manchukuo, would deliver it-

self to Japan, Japan could both easily absolve herself

of the obligation to withdraw her troops upon the es-

tablishment of peace and completely dominate and con-

trol Indo-China for her own ends as she desired.

G-173. Japan's plans for Indo-China, however,

did not materialize. As the war situation developed

unfavorably for Japan, it became apparent that if

Japan's aims were to be obtained, resort to military

G-172. a. Ex. 653, T. 7110-11

1 action would be necessary. Accordingly, on February  
2 1, 1945, it was decided by the Supreme War Leadership  
3 Council that Japan would resort to timely independent  
4 military action. A demand on time limit would be made  
5 on the Governor-General to agree that collaborative  
6 action was necessary against the United States, that  
7 all Indo-China forces and police should be placed  
8 under Japanese command for all matters and that all  
9 communications and transportation should be placed  
10 under Japanese control. If no answer were had in six  
11 hours, the necessary action would be taken. It was  
12 also agreed to support Annamite independence. <sup>a.</sup> It  
13 was also decided that, in the event military action was  
14 taken, the countries would not be considered to be at  
15 war, but Japan would not be bound by existing treaties  
16 and the Governor-General would not be permitted to  
17 function. <sup>b.</sup> On March 9, 1945, Ambassador MATSUMOTO  
18 presented the demands, and upon the failure of the  
19 Governor-General to accept them unconditionally, mili-  
20 tary action was begun on March 9, 1945. The dis-  
21 armament of the French Army and police was carried out.  
22 Some resistance was met, and the Japanese took steps  
23 to suppress the French detachments which resisted.

24 G-173.

25 a. Ex. 661, T. 7166-9  
b. Ex. 663, T. 7176

French troops were interned and native troops were  
 1 taken into the Japanese Army. Japanese officials took  
 2 over some of the important governmental positions.  
 3 French civilians were all restricted to seven cities.<sup>c.</sup>  
 4 Martial law was established and restrictions custom-  
 5 arily imposed by an invading army on the people of an  
 6 occupied enemy territory were enforced. The Japanese  
 7 Army also promised to support any attempt to satisfy  
 8 the desire for independence.<sup>d.</sup>

10 G-174. If there was any doubt at all as to  
 11 the aggressive character of Japan's program for  
 12 Greater East Asia, that doubt should be completely  
 13 dissipated when we consider the lengthy testimony of  
 14 Major de Weerd with respect to Japanese activities in  
 15 the Netherlands Indies after the occupation.<sup>a.</sup> The  
 16 prosecution does not propose to review in detail this  
 17 testimony which gives a complete picture of the  
 18 Greater East Asia Co-Prosperity Sphere in action. It  
 19 is sufficient to point out the salient features of the  
 20 Japanese program for that area. Major de Weerd's tes-  
 21 timony showed that there was complete economic exploi-  
 22 tation of the people and resources of the Netherlands

23 G-173.

24 c. Ex. 663, T. 7177-81; Ex. 664, T. 7183-91'  
 25 d. Ex. 664, T. 7183-91

G-174.

a. Ex. 1351, T. 12130-12342



Indies for the benefit of Japan and her nationals. It showed that the people's lives were closely regulated in every way in order to bring about the results desired by the Japanese. It showed that there was a systematic program to eliminate all Dutch influence, personal, social, political, economic and cultural, from the lives of the native peoples. It showed that there was a systematic program to impose Japanese customs and culture and to completely Japanize the people of the Indies. Finally, it showed that Japan took every measure which would ensure Japanese control and domination of the Netherlands Indies as an integral part of the Japanese empire for the sole benefit of Japan. Regardless of the idealistic language used by the conspirators to describe their program, it is clear beyond all question of doubt that the entire Greater East Asia Co-Prosperity Sphere, both in plan and in action, was simply a program of outright aggression.

If it please the Tribunal, General A. N. Vasiliev will now continue for the prosecution.

THE PRESIDENT: General Vasiliev.

## B. AGGRESSION AGAINST THE SOVIET UNION.

## 1. INTRODUCTION.

GENERAL VASILIEV: H-1. The moment is approaching when your judgment in the case of the major Japanese war criminals will be handed down. The hearing of this case which has taken such a lengthy period of time should be climaxed by an act worthy of the high purpose in the name of which the International Military Tribunal was established. This purpose is to condemn the Japanese aggression against the freedom-loving peoples of China, the U.S.S.R., the U.S.A., Great Britain and other states; to severely punish the Japanese major war criminals and thereby assist in transforming Japan into a peaceful and democratic nation; to protect the world against another aggression; and to warn those who, being possessed by the crazy idea of world domination and by ideas of seizure of foreign territories and subjugation of peoples, should desire to accomplish something like what the Japanese henchmen of Hitler were dreaming of and in the name of which they were undertaking their criminal actions. Your judgment should demonstrate to the whole world that any aggressive attempt to seize foreign territories and to subjugate other peoples by any means and methods is a

1 grave international crime; that the individual in-  
2 stigators of aggression are subject to grave responsi-  
3 bility. Your judgment should take a place of honor  
4 in history for it will serve as a powerful weapon for  
5 progressive mankind in its struggle for peace and  
6 democracy, against aggression, fascism and reaction.

7 H-2. Imperialistic Japan, which in the  
8 course of many years was the source of world aggres-  
9 sion in the East, and Hitlerite Germany and fascist  
10 Italy, the source of world aggression in the West, in  
11 conspiracy with one another unleashed World War II and  
12 placed mankind and its civilization on the verge of  
13 death. The best sons of the Soviet Union, the U.S.A.,  
14 Great Britain and other countries of the Great Coali-  
15 tion shed their blood in the struggle against the  
16 aggressors. At the cost of tremendous sacrifices the  
17 victory of freedom-loving peoples over the Fascist-  
18 Axis states was won. Being a country rich in natural  
19 resources and a most active champion of peace and  
20 democracy, the U.S.S.R. was one of the most important  
21 objects of attack by aggressors--Germany and Japan.  
22 The Soviet Union bore the brunt of the blow delivered  
23 by the aggressors and played a decisive role in their  
24 defeat, and in saving mankind from fascist barbarism.  
25 Hence, the Soviet Union, being also a close neighbor



of Japan, is vitally interested in the eradication of the Japanese source of aggression.

H-3. Within the purview of the Tribunal the liquidation of the Japanese aggression is tantamount, first of all, to the severe conviction of those in the dock as leaders of the ruling clique of imperialistic Japan.

H-4. The accused have not laid down arms. Not only did they plead not guilty, taking advantage of the fact that their criminal actions in the past were thoroughly disguised and the aggressive policy was camouflaged by official lies about Japan's struggle for peace, etc., but they continue actively advocating their criminal aggressive policy which brought innumerable calamities and suffering to millions of people. The conspirators now in the dock are also dangerous because around them rally the most reactionary elements in Japan represented by former generals, intelligence agents and diplomats who appearing in this court as witnesses are doing their best to shield their former bosses. All should be taken into account by the Tribunal in passing its judgment.

H-5. Facts and documents presented to the Tribunal make up a complete picture of the crimes

1 committed by the accused against the freedom-loving  
2 peoples of the states represented in this Tribunal.  
3 As the representative of the U.S.S.R. I support the  
4 charges within the full scope of the Indictment. My  
5 specific task lies in the substantiation of the  
6 charges relating to the part of the Indictment which  
7 deals with Japan's aggression against the U.S.S.R.

#### 8 SPECIFIC OUTLINE OF CHARGES

##### 9 1. STAGES OF THE JAPANESE AGGRESSION

10 H-6. The Japanese aggression against the  
11 U.S.S.R. goes back a long way. Many of the events from  
12 1928 to 1945 become more explicit in the light of the  
13 acts of aggression committed by Japanese imperialism  
14 prior to that period of time. In this aspect the  
15 aggressive acts which the major Japanese war criminal  
16 suspects are charged with are closely linked up with  
17 the war of Japan against Russia in 1904-1905 and with  
18 the Japanese intervention in Siberia in 1918-1922.  
19 The leaders of Japanese imperialism admitted them-  
20 selves that the Japanese intervention in Siberia was  
21 a forerunner of the subsequent adventures of Japan.  
22 Thus, on 14 August 1941 in an interview with the  
23 Secretary General of the Imperial Rule Assistance  
24 Association, ARAKI stated: "Japan's present ambition  
25 to dominate the Continent may be said to have

germinated in the Siberian Expedition. Unfortunately  
1 however I feel that, in the execution of this expedi-  
2 tion there was lacking in . . . courage and the  
3 determination.<sup>a</sup> Just because of this the Prosecution  
4 mentioned these facts of aggression regarding them as  
5 historical background, and historic facts of common  
6 knowledge, though the accused have not been charged  
7 with them.

8  
9 H-7. The defense, however, attempted to  
10 distort even these commonly known facts. We, there-  
11 fore, are bound to dwell upon these facts in a some-  
12 what greater detail. The defense presented a number  
13 of tendentiously selected documents: diplomatic  
14 correspondence of 1895-1896 and international treaties  
15 of that time.<sup>a</sup> However, when thoroughly examined and  
16 objectively appraised even these documents show that  
17 at the end of the 19th and at the beginning of the  
18 20th century Japan was engaged in strengthening her  
19 influence in Manchuria, penetrated into China and  
20 seized Korea, and that Russia as well as other great  
21 states was seriously alarmed by the Japanese aggression.  
22 The historic truth is that throughout that period of

23 H-6.

24 a. Ex. 667-A, T. 7309.

25 H-7.

a. Ex. 2286-88, T. 17,283, 17,285, 17,290;  
Ex. 2298-2301, T. 17,314, 17,316, 17,317, 17,320.



1 time the Japanese aggressive policy in the Far East  
2 was obviously detrimental to the Russian state because  
3 the purpose of that policy was to close to our country  
4 all the outlets to the ocean in the East, to seize  
5 Sakhalin and to annex the whole of the Russian Far  
6 East.

7 H-8. The treacherous attack on the Russian  
8 fleet without a declaration of war on February 8, 1904,  
9 was one of the manifestations of this aggressive  
10 policy of Japan. The predatory nature of this attack  
11 is beyond any argument. The Imperial Rescript on the  
12 declaration of war was dated February 10, 1904, two  
13 days after the attack. As a result of the war of  
14 1904-1905, Japan seized the southern part of the  
15 Russian Sakhalin Island. This, however, was only the  
16 initial stage of the Japanese aggression against Russia.

17 H-9. In 1918, the Japanese imperialists  
18 again attacked our country, occupied the Soviet Far  
19 East and for a matter of four years were looting our  
20 people.

21 H-10. The crimes committed by the Japanese  
22 interventionists in the Soviet Far East are well known.  
23 Every village, every town and every railroad station  
24 where Japanese officers and men showed up became a  
25 scene of atrocities and violence committed by the

Japanese invaders against the Russian people. Even  
1 in 1922 when the Japanese adventure had obviously  
2 ended in failure the Japanese imperialists proposed  
3 to the Far Eastern Republic at the Dairen Conference  
4 a "treaty," which was in substance an attempt to  
5 transform the Soviet Far East into a Japanese colony.  
6 To ascertain that, one has to examine, at least,  
7 articles 2 and 14 of the draft of the treaty.<sup>a.</sup>  
8 Article 14 of the draft treaty sets forth that: "The  
9 government of the Far Eastern Republic takes upon  
10 itself to take down and, when needed, to blow up all  
11 its fortresses and fortifications along the coast in  
12 the Vladivostok area and on the Korean frontier, and  
13 never to rebuild them in future, and also not to take  
14 any military measures in the areas adjacent to Korea  
15 and Manchuria. The government of the Far Eastern  
16 Republic should recognize the right of officials  
17 staying and traveling on all its territory of Japanese  
18 special military missions and individual Japanese army  
19 officers. The government of the Far Eastern Republic  
20 takes upon itself to never keep a navy in the Pacific  
21 Ocean and to destroy the existing one." In the second  
22 article of so-called "secret articles" of the draft  
23 treaty is said: "The Japanese government will evacuate  
24  
25 H-10.

a. Ex. 30, T. 513.

1 its armed forces from the Primorye region at its own  
2 will and whenever it considers it necessary."

3 H-11. Due to a heroic struggle put up by  
4 the Russian people, the Japanese imperialists were  
5 forced to quit the Soviet Far East. However, the  
6 realization of aggressive plans against the U.S.S.R.  
7 was only postponed until a favorable moment.

8 2. JAPANESE AGGRESSIVE INTENTIONS AGAINST  
9 THE U.S.S.R. AND THE PROPAGANDA OF AGGRESSIVE WAR.

10 H-12. The aggressive policy against the  
11 Soviet Union was a program of the Japanese ruling  
12 clique. This policy crystallized in the course of  
13 many years and was invariably put into practice. The  
14 aggressive war against the U.S.S.R. was widely propa-  
15 gated among the Japanese people. The ideological  
16 preparation for aggressive war was carried on under  
17 the smoke screen of the demagogical slogan of the  
18 establishment of the "Greater East Asia Co-prosperity  
19 Sphere." This slogan embodied the extremely expansion-  
20 ist outlook of the Japanese imperialists. The plunder-  
21 ing of nations to be conquered and the exploitation of  
22 territories proposed to be seized were planned in  
23 numerous special institutions, so-called "research  
24 bureaus," "institutes" and "societies" created by the  
25 conspirators. Behind the propagandist fuss about the



1 "Kodo principle" and "Hakko Ichiu" were hidden the  
2 specific plans of the Japanese military contemplating  
3 predatory attacks against neighboring countries, the  
4 seizure of foreign territories, the plundering and  
5 enslavement of nations. Practically all the ministries  
6 and various companies, concerns and joint-stock com-  
7 panies, such as the South Manchurian Railway Company,  
8 the Manchurian Heavy Industry company, the Society  
9 for the exploitation of resources of South Seas areas,  
10 etc., had their own "research bureaus." But similar  
11 organizations were also set up on a national scale and  
12 placed above all departments welding together most  
13 aggressive elements of the governmental machinery,  
14 reactionary intelligentsia and the so-called "business  
15 circles." Organizations of a special type which were  
16 nominally considered private societies always played  
17 a prominent part in Japan's political life; their  
18 functioning, however, was actually supervised by  
19 government agencies and in their turn these organiza-  
20 tions conditioned the working of these agencies.

21  
22 H-13. We shall refer to one of such organ-  
23 izations, the so-called "National Policy Research  
24 Association" (Kokusaku Kenkyukai). This organization  
25 was established at the time when the plans of the  
Japanese imperialistic clique were so near to their

1 practical realization that a still larger group of  
2 people was engaged in drafting specific projects of  
3 enslavement and economic plundering of the countries  
4 the Japanese planned to conquer. The membership of  
5 this Society is extremely characteristic and helps to  
6 understand the true nature of the organization. The  
7 names of people of different professions, practically  
8 all of them being members of the ruling clique,  
9 appear on the list produced before the Tribunal:  
10 Admiral KOBAYASHI, Governor of Formosa; Lieutenant-  
11 General ISOGAI, Rensuke, former Kwantung Army Chief  
12 of Staff and later Governor-General of Hongkong;  
13 GOTO, Fumio, former Minister of Home Affairs; KISHI,  
14 Shinsuke, Minister of Commerce and Industry; TAKAHASHI,  
15 Sankichi, member of the Supreme War Council; YAMAKAWA,  
16 Hashio, Chief of the Legislative Department; SENGOKU,  
17 Yataro, President of the Central Committee of the  
18 Industrial Association; TSUSHIMA, Juichi, President of  
19 the Society for the exploitation of North China;  
20 SHIGIMORI, Tadashi, editor of the "Nisso Tsushin"  
21 agency; MIURA, Waichi, counsellor of the Embassy in  
22 Germany; KIYOSE, Ichiro, member of the Lower House,  
23 at present Chief Defense Council, and others.<sup>a</sup> Among  
24 the members of the Society we find four accused:  
25

H-13.

a. Ex. 683, T. 7400, T. 7364.

1 TOGO, KAYA, MUTO and SATO. However, the other accused,  
2 for instance TOJO, were aware of the "researches" of  
3 the society.  
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H-14. All important documents drafted by the Society dealt with the practical realization of the aggressive plans of the Japanese Government. This is shown by the fact that during the search of the flat of KATSUGI, former Chief of the General Affairs Bureau of the "Kokusaku Kendyukai," were found copies of top secret documents of the General Staff and the War Ministry dealing with the establishment of the administration of the territories which were planned to be seized. YATSUGI testified that those documents had been received by him for the utilization in the work of the Society and particularly for the working out of the draft of the ten year plan for management of territories in the Greater East Asia Co-prosperity Sphere.<sup>a</sup> In December 1941 a board of directors of the Society appointed a special committee for the drafting of measures relating to the administration of the territories planned to be seized. The composition of that committee was as follows: former Prime Minister ABE, President of the Imperial Rule Assistance Association; GOTO, former Minister of Home Affairs and later a minister without portfolio; KOBAYASHI, Vice Naval Minister; KISHI, Minister of Commerce and Industry; TAKAHASHI, member of the Supreme

H-14. a. T. 7365-6

b.  
War Council, and others. In this way the committee was formed of the representatives of the ruling Japanese clique, and there is no doubt that "unofficial recommendations" of the committee were actually very important.

H-15. In December 1941 the committee worked out and forwarded to the Prime Minister, War, Naval and Foreign Ministers a report on the administrative measures to be taken on the territories planned to be occupied.<sup>a.</sup> In October 1941 the Society was specially engaged in the study of sending armed Japanese colonists to the occupied areas of the USSR and planned to use in administrative positions the whiteguard Russian emigrants subsidized by the Japanese Government.<sup>b.</sup> In May 1943 the "Kokusaku Kenkyukai" published the draft of the ten-year plan for the management of territories in the Greater East Asia Co-prosperity Sphere, spending for that 300,000 yen. The money was received from Prime Minister TOJO, from the War Ministry, from the Ministry of Foreign Affairs and the Naval Ministry. On the list of industrial and commercial firms which appropriated the money (200,000 yen) we see MITSUI concerns (20,000 yen), SUMITOMO concerns (10,000 yen),

H-14.

b. T. 7364

H-15.

a. Ex. 684, T. 7404  
b. T. 7408-9

c.  
and others.

1 H-16. In this "plan" the question of the  
2 Japanese invasion of the territory of the Soviet Union  
3 was regarded as settled. Only matters pertaining to  
4 the scope of the Japanese territorial acquisitions  
5 remained controversial, since they were regarded as  
6 dependent upon the position of Nazi Germany. This  
7 may be seen from the following extract from the "plan  
8 of the management of territories in the Greater East  
9 Asia" worked out by military organizations and the  
10 Ministry of Overseas Affairs and found in the files  
11 of the "Kokusaku Kenkyukai." That plan served as a  
12 foundation for a number of "researches" of the  
13 Society:  
14

15 "Future of Soviet Territories.

16 "Though this problem cannot be easily decided  
17 at present inasmuch as it is to be settled in accord-  
18 ance with the Japanese-German pact, the Maritime Prov-  
19 ince shall be annexed to Japan, the district adjacent  
20 to the Manchurian Empire shall be put into the sphere  
21 of influence of that country, and the Trans-Siberian  
22 Railroad shall be placed under the complete control  
23 of Japan and Germany with Omsk as the point of demar-  
24 cation."<sup>a.</sup> In conformity therewith the "ten-year plan"

25 H-15. c. T. 7361

H-16. a. Ex. 684, T. 7404



1 contemplated that the whole eastern region of the USSR,  
2 including Lake Baikal and Outer Mongolia, should be  
3 included in the "reasonable scope of the co-prosperity  
4 sphere." As to the western part of the Soviet Union,  
5 the members of the Society conceded it to Germany.<sup>b.</sup>

6 H-17. In February 1942 the Society was  
7 "worried" that the Russian population of the European  
8 part of the Soviet Union might attempt to take refuge  
9 from the Germans in Siberia. Therefore, in the draft  
10 of the plan of the border line of the "Greater East  
11 Asia Co-prosperity Sphere" was made a special provi-  
12 sion entitled: "The counter-plan for preventing  
13 the concentration in Siberia of the Slavs who are  
14 being driven away from the European part of Russia."<sup>a.</sup>

15 H-18. Along with the "Kokusaku Kenkyukai"  
16 the plans of aggression against the USSR were drafted  
17 by the so-called Total Warfare Research Institute  
18 founded on October 1, 1940, under a special Imperial  
19 Rescript and responsible directly to the Prime Minister.  
20 It may be seen from the testimony of the Director of  
21 the Institute, Lt. General MURAKAMI, Keisaku, that:  
22 "the research in the administration of the occupied  
23 areas in the Greater East Asia territory, occupied by  
24 the Japanese Army, was personally entrusted by Premier  
25 H-16. b. Ex. 685, T. 7411 H-17. a. Ex. 682, T. 7410

1 TOJO . . . the draft for the administration of the  
2 occupied areas in the Greater East Asia Occupation  
3 Areas had been completed . . . . The draft plans  
4 worked out by the Institute were sent to the Prime  
5 Minister and all the ministries concerned in order to  
6 have them carried into practical use." <sup>a.</sup> Characteriz-  
7 ing the administration and personnel of the Institute  
8 the same witness testified: "The War and Navy Minist-  
9 ries were most closely concerned with the Institute  
10 and that is why the Institute was headed alternately  
11 by a general or an admiral. When I was director of  
12 the Institute it had about forty students consisting  
13 of responsible officials of the respective ministries  
14 whose ranks were usually equal to the ranks of major  
15 or lieutenant colonel, and some representatives of  
16 banks and companies. Chiefs of departments and  
17 sections concerned of the ministries gave lectures at  
18 the Institute. <sup>b.</sup>

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25 H-18.

a. Ex. 3372, T. 32007  
b. Ex. 3372, T. 32007

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1 H-19. My reference to the nature of the  
2 work conducted by the Institute will be confined to the  
3 topics which directly relate to the Soviet Union. In  
4 strictly confidential documents intended for use by a  
5 limited group of persons who had access to the files  
6 of the Institute or the highest representatives of  
7 the Japanese imperialist clique, it was not necessary  
8 to disguise their aggressive designs and objects by  
9 the smoke screen of phraseology. Thus, in the original  
10 draft concerning the establishment of the Greater East  
11 Asia Co-prosperity Sphere, worked out by the Total  
12 Warfare Research Institute on January 27, 1942, in  
13 the section entitled "Eastern Territories of the  
14 U.S.S.R.", it was bluntly pointed out: "The main  
15 principle of the construction will be satisfying the  
16 demands of the state defense of Japan and Manchukuo.  
17 Japan will hold military power in her hands. After  
18 the complete eradication of the red influence of the  
19 Soviet Union, a system of self-government of the lowest  
20 degree may be established if necessary." <sup>a.</sup> Thus, a  
21 regime depriving the people of their political rights  
22 was contemplated for the territories of the Soviet  
23 Far East planned to be occupied. In "Summarized Re-  
24 search Papers" of 1943, "the plans to govern Siberia  
25 (H-19. a. Ex: 688A, T. 7424)



(including Outer Mongolia)", worked out in detail,  
1 were published and provided as follows: "A military  
2 administration in the occupied areas should be se-  
3 cured . . . all old laws and ordinances shall be de-  
4 clared void, and simple but powerful military orders  
5 shall be enforced instead . . . the natives shall not  
6 be allowed, in principle, to take part in any politics.  
7 If necessary, a low grade self-government shall be  
8 allowed . . . if found necessary from the national  
9 defense and economic point of view, Japanese, Korean  
10 and Manchurian colonists shall be sent there . . . if  
11 occasion demands, compulsory emigration of the natives  
12 shall be effected . . . . Permeation of our might  
13 shall be our aim, and we shall approach it with strin-  
14 gent power, not inclining into the so-called paternal-  
15 ism." <sup>b.</sup>

17 H-20. It follows from the testimony of  
18 MURAKAMI, Keisaku, and from the above-mentioned draft, <sup>a.</sup>  
19 that this regime of terror was to be extended to all  
20 the Far Eastern provinces of the Soviet Union and a  
21 greater part of Siberia. Thus, MURAKAMI testified:  
22 "The said draft provided for the establishment of:  
23 (A) the central area including Manchuria, Soviet  
24 Maritime Province and North China which would be united  
25 (H-19. b. Ex. 690A, T. 7434) (H-20. a. Ex. 688A, T. 7424)

by Japan; (B) the smaller co-prosperity sphere,  
including besides the above, Eastern Siberia, China  
and Indo-China; (C) the Greater Co-Prosperity Sphere,  
including besides the Smaller Co-Prosperity Sphere,  
Australia, India and the Pacific Islands.<sup>b.</sup>"

H-21. The idea of an aggressive war against  
the Soviet Union crystallized into a national program  
of Japan. The witness TAKEBE, Rokuzo, testified that  
as far back as 1933 the accused ARAKI, who was at that  
time the War Minister, and the accused SUZUKI, made  
speeches at a conference of governors urging an early  
attack against the Soviet Union. The accused ARAKI  
stated then: ". . . Japan was to inevitably clash with  
the Soviet Union in the course of the effectuation of  
her policies, therefore it was necessary for Japan to  
secure for herself, through military methods the terri-  
tories of the Maritime Province, Zabaikalye and Siberia."  
And further the witness TAKEBE goes on to say:

"After ARAKI had finished, Lieutenant Colonel  
SUZUKI, Teiichi, a member of the War Affairs  
Section of the Military Affairs Bureau of the  
Japanese War Ministry stated . . . the gist of  
SUZUKI's oral statement consisted in laying the  
ground for the necessity of Japan's war against  
(H-20. b. Ex. 3372, T. 32007)

1 the Soviet Union and for the necessity of cap-  
2 turing the Soviet Maritime Province, Zhabakailye  
3 and Siberia." <sup>a.</sup>

4 H-22. While various organizations were laying  
5 an ideological foundation for aggressive ambitions of  
6 the Japanese imperialists vis-a-vis the U.S.S.R. and  
7 were working out practical problems connected with  
8 the national program of the seizure of Soviet terri-  
9 tories, a propaganda of war against the U.S.S.R. was  
10 disseminated, blossoming into full bloom after Germany  
11 attacked the Soviet Union. Small wonder that it was  
12 precisely at that moment (August 1941) that ARAKI  
13 recalled the Japanese intervention in Siberia and ex-  
14 pressed regret that the Japanese then lacked in "cour-  
15 age and determination" and these words were published  
16 in the press. <sup>a.</sup> These words sounded like urging the  
17 Japanese to show "courage and determination" at that  
18 moment. An article by TANAKA, Konoé, published in the  
19 "Kaizo" magazine in November 1941 is an example of  
20 this propaganda:

21 "The attack on Moscow, which appeared  
22 impossible before the end of the year, seems to  
23 have become an accomplished fact during these  
24 (H-21. a. Ex. 3371, T. 31834)  
25 (H-22. a. Ex. 667-A, T. 7309)



1        ten days . . . . How should Japan move at this  
2        time? Japan's standpoint is definite. Japan  
3        rejoices in and hopes for the victory of Ger-  
4        many, her confederate. Needless to say Japan  
5        should make efficient use of the world situa-  
6        tion created by the victory of Germany in order  
7        to achieve her primary great mission." b.

8        H-23. In 1941-42 plans for the "development  
9        of Greater East Asia", which up to a certain time were  
10       available only to the limited group of conspirators  
11       and their close associates, became the basic theme of  
12       the Japanese jingoistic propaganda. Having by that  
13       time commenced aggression in the south, Japanese imper-  
14       ialism was preparing a war of aggression against the  
15       Soviet Union and needed an ideological basis for this  
16       policy. We shall refer only to some of the propagandist  
17       publications of this kind. In an article entitled  
18       "The Imperial Sphere of Greater East Asia" published  
19       in the newspaper "Taio Dai-Nippon" of January 5, 1942,  
20       the accused HASHIMOTO, Kingoro, wrote:

21       "Then I should like to think that the  
22       Greater East Asia Sphere includes the undermen-  
23       tioned countries . . . Japan, Manchukuo, China,  
24       the Soviet Far East, French Indo-China, Burma,  
25       (H-22. b. Ex. 674-A, T. 7347)

1 Malaya, the Dutch East Indies, India, Afghanistan,  
2 Australia, New Zealand, Hawaii, Philippines,  
3 and the islands of the Pacific Ocean and the  
4 Indian Ocean." <sup>a.</sup>

5 As another example, a Professor TANAKA, Nao-  
6 kichi, wrote an article entitled "A Great Union of  
7 Asia" published in the newspaper "Osaka Ji-Ji" on 31  
8 January 1942 in which the "development of Greater East  
9 Asia" was divided into three stages: "The third step  
10 to effect the emancipation of Australia, India and  
11 Siberia . . . judging from the bright triumph of our  
12 troops it might be possible for us to expect the accom-  
13 plishment of the third . . . ." <sup>b.</sup> At the same time,  
14 in January 1942 a book was published entitled "Thailand"  
15 edited by the "Nampo Sangyo Chosakai," in which the  
16 problem of the development of the "co-prosperity  
17 sphere" was solved on the basis of elementary geometry.  
18 On the cover of the book there was a map of the world  
19 on which the territory of the East Asia Sphere ("The  
20 East Asia Union" under the administration of the  
21 Japanese Empire) was marked with a regular circle.  
22 This "sphere" included the Soviet territories up to  
23 Lake Baikal as well as the Aleutian and Hawaiian Is-  
24 lands, India, Australia and New Zealand. <sup>c.</sup> In the

(H-23. a. Ex. 675-A, T. 7348  
b. Ex. 676-A, T. 7350  
c. Ex. 677-A, T. 7352)

1 propaganda published, it was emphasized that it was  
2 precisely Japan who had been playing the leading part  
3 in the instigation of wars within the last few decades.  
4 For example, there is the book entitled "The Japanese-  
5 Anglo-Chinese War" published shortly after the inva-  
6 sion of Czechoslovakia and Austria by Nazi Germany.  
7 (It is noteworthy that the book was published by "The  
8 Research Institute of China Problems.") KONDO, Shigeki,  
9 wrote: "What is it that has been influencing Europe,  
10 which is a peninsula of Asia, and the whole world, if  
11 not the propellent force of Japan in the far distant  
12 East? Has not Japan been the actual, the only motivat-  
13 ing power in modern world history? Sino-Japanese war,  
14 Russo-Japanese War, World War I, Manchurian Incident,  
15 the Nazi Regime in Germany, the Annexation of Ethiopia,  
16 the Spanish War, the occupation of the Rhineland, the  
17 China Incident, the Annexation of Czechoslovakia, Aus-  
18 tria and Albania . . . ." The author of this "research"  
19 in plain language urged to fan the blaze of aggressive  
20 war for the sake of establishing a "new" fascist order  
21 throughout the world. He wrote: "Develop the European  
22 Incident into a world-wide incident."  
23

24 H-24. These are only some of the examples,  
25 a great number of which might have been cited. Such  
(H-23. d. Ex. 673-A, T. 7345)



1 statements can b- no means be accounted for as opin-  
2 ions of individuals as the defense is trying to repre-  
3 sent it. Under the conditions of the Japanese censor-  
4 ship, only views correspondent to the interests of the  
5 ruling imperialistic clique could be published in the  
6 press, which had been totally converted into a mouth-  
7 piece of propaganda as was sufficiently proved by  
8 another prosecutor. ITO, Nobufumi, Director of the  
9 Japanese Information Bureau since 1940, testified  
10 as follows: "Propaganda from all ministries cleared  
11 through the Board of Information and was disseminated  
12 to various newspapers, magazines, radio, motion pictures  
13 and all other media of public information. Censorship  
14 powers were also given to the Board of Information . .  
15 . ." In January 1941, all publishers in Japan were or-  
16 ganized into the "Japanese Publishers' Association,"  
17 all book distributors were organized into the "Japanese  
18 Book and Magazine Distributors Corporation" and all  
19 newspapers into the "Japanese Newspaper League." The  
20 establishment of these organizations resulted in com-  
21 plete government control of all information . . . ."<sup>a.</sup>  
22 The witness ITO confirmed that the propaganda was dis-  
23 seminated on the basis of the slogans of "Greater East  
24 Asia" and the "Japanese Co-Prosperity Sphere."<sup>b.</sup>  
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(H-24. a. Ex. 142, T. 1079  
b. T. 1092)

1 H-25. On the basis of these aggressive ambi-  
2 tions and accompanied by widespread propaganda the  
3 Japanese imperialists were taking practical steps in  
4 preparing and planning aggression against the U.S.S.R.

5 3. PLANNING AND PREPARATION OF AGGRESSIVE  
6 WAR AGAINST THE U.S.S.R. DURING THE  
7 PERIOD FROM 1928 UNTIL THE GERMAN  
8 ATTACK ON THE U.S.S.R. (1941)  
9 Seizure of Manchuria and Turning Her  
10 and Korea into a Springboard for War  
11 against the U.S.S.R.

12 H-26. Throughout the whole period covered by  
13 the Indictment the Japanese imperialistic clique was  
14 planning and preparing a war of aggression against the  
15 U.S.S.R. The former Japanese Ambassador in Germany  
16 and a former general of the Japanese General Staff  
17 OSHIMA, who is now in the dock, made a blunt statement  
18 to this effect to Ribbentrop on April 18, 1943: ". . .  
19 for the last 20 years all plans of the General Staff  
20 had been worked out for an attack on Russia and were  
21 still directed towards such an attack."<sup>a</sup> We were  
22 unable to present these plans to the Tribunal inasmuch  
23 as all the secret documents and files of the General  
24 Staff were burned in Tokyo at the time of the surrender,  
25 (H-26. a. Ex. 839-A, T. 8175)



1 as stated by the former Vice-Chief of Japanese General  
2 Staff KAWABE.<sup>b.</sup> This organized suppression of evidence  
3 to cover up the crime is nothing but an attempt to keep  
4 from the knowledge of the peoples of the world the  
5 criminal plans of aggression worked out in the Japanese  
6 General Staff to save their authors from deserved pun-  
7 ishment. Having no opportunity for the aforesaid reason  
8 to present to the Tribunal the original plans of ag-  
9 gressive war prepared against the U.S.S.R., we offered  
10 documents and other evidence which fully confirmed  
11 the existence of these plans and their contents.  
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22 (H-26. b. Ex. 742, T. 7676)  
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1           a. Plans of War Vis-a-Vis the USSR in  
2 1928-31; Seizure of Manchuria in order to convert her  
3 into a springboard for an attack against the U.S.S.R.

4           H-27. In 1928-31, the Japanese General Staff  
5 and the General Headquarters of the Kwantung Army,  
6 which was located on the continent in close proximity  
7 to the borders of the U.S.S.R. and was, therefore,  
8 the outpost of the Japanese Imperialism vis-a-vis the  
9 U.S.S.R., had plans for an offensive war against the  
10 U.S.S.R. These plans bore the code title "Otsu" and  
11 provided for the operations of the Kwantung and Korean  
12 armies for the seizure of the Soviet Maritime Province  
13 using the territories of Manchuria and Korea as a  
14 springboard. The witness MIYAKE, a lieutenant-general  
15 who, from 1928 through 1932 was Chief of Staff of the  
16 Kwantung Army, testified: "The plan for the occupation  
17 of Manchuria was an important part of the general plan  
18 of the operations of Japanese forces against the Soviet  
19 Union and was drafted by the General Staff of the  
20 Japanese Army. It was then, when I started out for my  
21 new post as Chief of Kwantung Army staff, in July  
22 1928, that I found out the existence of a plan to  
23 attack the U.S.S.R."     The secret report of Colonel  
24 SUZUKI on the research of some areas of Manchuria and  
25 (H-27. c. Ex. 699, T. 7501.)

1 Korea submitted to the Japanese General Staff con-  
2 tains direct allusions to the operation plan of war  
3 vis-a-vis the U.S.S.R. of 1931 which provided for  
4 military operations on Soviet territory.<sup>b.</sup> For what  
5 purpose SUZUKI was sent to Manchuria and Korea is  
6 clear from the instruction dated March 16, 1931,  
7 addressed to him by HATA, Chief of the 1st Section,  
8 General Staff: "General consideration concerning  
9 tactics in Northern Manchuria for the guidance of 'B'  
10 Plan of operation . . . concrete consideration con-  
11 cerning tactics in Northern Korea in 'B' and 'C' plan  
12 of operation."<sup>c.</sup>

13 H-28. In September 1931, the Japanese  
14 aggressors seized Manchuria. As soon as Manchuria  
15 was occupied, the Japanese imperialists promptly  
16 commenced utilizing her as a springboard for an  
17 invasion of Soviet territory.

18 b. Plans of War vis-a-vis the U.S.S.R.  
19 in the Period 1932-1941.

20 H-29. In the working out of plans of aggres-  
21 sive war against the U.S.S.R. in Tokyo the information  
22 emanating from the Japanese Ambassador and the Japanese  
23 Military attache in Moscow was undoubtedly of great  
24 importance. In 1931, while in Moscow as the Japanese  
25

(H-27. b. Ex. 691A, T. 7438.  
c. Ex. 691A, T. 7438.

Ambassador, the Accused HIROTA forwarded his proposals to the Chief of the Japanese General Staff: "... to have strong policies against Soviet Russia being ready for war at any time. Its principal purpose is not defense against Communism but rather the conquest of Eastern Siberia." In this statement HIROTA in bluntest language expressed the essence of the aggressive policy which Japan was carrying out at that time and in subsequent years and which he, himself, guided in the course of several years as the Prime Minister and Minister of Foreign Affairs of Japan.

H-30. A report entitled "Views Concerning our Imperial National Defense Against U.S.S.R." was sent to the Japanese General Staff on March 29, 1931, by Colonel KASAHARA, Yukio, the then Military attache in the U.S.S.R. This report reveals a plan of aggressive war vis-a-vis the U.S.S.R. and a draft for the establishment of a bloc of states which was later implemented through the Anti-Comintern and Tripartite Pacts. "Since she (Japan) wants to remain a great Japan, it will be her unavoidable destiny to clash with the U.S.S.R. sooner or later. . . . But the far eastern territory of the Soviet Union is very far from (H-29. a. Ex. 692, T. 7447; Ex. 693, T. 7447.)



its political and industrial center, and Japan cannot  
1 extinguish the enemy altogether by mere occupation of  
2 that territory. Merely to defeat them in battle is  
3 not enough. By a war of annihilation, we can deliver  
4 a heavy psychological blow to the Soviet people. There  
5 is no alternative for us. . . . It will be an urgent  
6 problem to decide where to end our operations, but we  
7 must advance at least as far as Lake Baikal. . . . In  
8 case we stop on the line of the Rear Baikal, the  
9 Empire will have to be determined and prepared to con-  
10 sider the Far Eastern Province which she will have  
11 occupied as a proper territory of the Empire, to rule  
12 it herself, to be resolved upon its permanent occupa-  
13 tion, either by her own Army troops or substitutes  
14 for them, and to wait for the development of the situ-  
15 ation. . . . It is an especially important and essential  
16 requisite in the war against Russia to draw the countries  
17 adjacent to the Soviet Union into the war against  
18 Russia by strategical propaganda, and by utilizing  
19 anti-Soviet elements both inside and outside the  
20 Soviet, such as White Russians' organizations and  
21 races of different kinds. . . ." Finally, the docu-  
22 ment envisages the time within which to enforce the  
23 contemplated measures.  
24  
25

"1. Consolidation so that whenever war

strikes, everything is ready.

1 "2. Consolidation so that even if there are  
2 a few difficulties to begin with, everything is  
3 perfect after ten years."<sup>a.</sup>

4 H-31. Having returned from his inspection  
5 tour of Manchuria on January 28, 1932, the defendant  
6 MINAMI (who was War Minister up to December 13, 1931)  
7 made a report in the Imperial Palace in the presence  
8 of the Emperor, in which he formulated the following  
9 conclusions with direct reference to the Soviet Union  
10 as may be seen from KIDO's Diary:

11 "In the matter of our national defense,  
12 Japan's relation to the new state (i.e. Manchukuo)  
13 and its administration will be to take over its  
14 defense and by expediting the completion of the  
15 Kirin-Kwainai Railway, made the Sea of Japan into  
16 a lake and facilitate Japan's advance into the  
17 North Manchurian Area."<sup>a.</sup>  
18

19 MINAMI's proposal to the effect that the Sea  
20 of Japan should be transformed into the Lake of Japan  
21 obviously contemplated the incorporation into Japan  
22 of the Soviet Maritime Province, the shores of which  
23 are washed by the Sea of Japan. In conformity therewith  
24 (H-30. a. Ex. 2671, T. 23,218.)  
25 (H-31. a. Ex. 2251, T. 16,213.)

the seizure of the Soviet Maritime Province was to  
1 constitute and, as I will further show, did constitute  
2 the primary objective in the operation plans of war vis-  
3 a-vis the U.S.S.R.

4 H-32. In July 1932, Chief of the Russian  
5 Section of the General Staff, KASAHARA, conveyed to  
6 KAWABE, the Military Attache in Moscow that the Japanese  
7 General Staff:

8 ". . . decided that the (Army and Navy's)  
9 preparations for waging war against Russia should  
10 be completed before the middle of 1934. It does  
11 not mean that hostilities will be opened immedi-  
12 ately after the preparations have been completed.  
13 In order to consolidate Manchuria, the war against  
14 Russia is necessary for Japan.<sup>a</sup>"

15 In his report sent to the General Staff on July 14,  
16 1932, KAWABE, who was later promoted to lieutenant-  
17 general and became the Vice-Chief of the Japanese General  
18 Staff, deemed it the most urgent object of Japan to  
19 exploit Manchuria and Mongolia and to overcome all  
20 obstacles which might appear in the way of doing so:  
21 "Therefore, - declared KAWABE - the emphasis must be  
22 laid on the repletion of military armaments against  
23 Russia. . . A Russo-Japanese war in the future is  
24 (H-32. a. Ex. 702, T. 7510.)  
25





1                                   b.  
2   unavoidable."   KAWABE recommended to the General  
3   Staff not to conclude a non-aggression pact with the  
4   U.S.S.R. in order to ensure the Empire a complete  
5   freedom of action. As is known, this recommendation  
6   coincided with the course of action which the Japanese  
7   government followed with respect to this problem.

8                   H-33. In 1931, the Soviet Government proposed  
9   a non-aggression pact to the Government of Japan. In  
10   the Soviet statement made to YOSHIZAWA, the Japanese  
11   Foreign Minister, and to HIROTA, the then ambassador,  
12   who is now on trial, it was pointed out: "... such  
13   a pact expresses the peaceful policy and intentions  
14   of the Government, and it will be well-timed especial-  
15   ly now when the future of the Japanese-Russian rela-  
16   tions is the subject of speculations in Western Europe  
17   and America. The conclusion of this pact would put  
18   an end to these speculations."   It was not until  
19   a year thereafter that the Japanese Government made  
20   a reply to the Soviet Proposal on September 13, 1932,  
21   when the Soviet Ambassador in Japan was handed the  
22   reply of UCHIDA, the Foreign Minister, containing a  
23   refusal to conclude a non-aggression pact and a state-  
24   ment to the effect that: "... the formal beginning  
25   (H-32. b. Ex. 701, T. 7508)  
      (H-33. a. Ex. 744, T. 7714)

1 of the negotiations on the subject between the two  
2 governments in this case seems to be untimely." <sup>b.</sup>

3 True to its peaceful policy the Soviet Government re-  
4 affirmed its proposal concerning the conclusion of a  
5 non-aggression pact in the note dated January 4, 1933,  
6 pointing out, in particular, that the previous pro-  
7 posal: ". . . was not called forth by the considera-  
8 tions of the moment, but resulted from all its peace-  
9 ful policy, and therefore continues in force for the  
10 future." <sup>c.</sup> The second proposal was likewise rejected  
11 by imperialistic Japan. <sup>d.</sup>

12 H-34. Thus, over the period 1931-33 the  
13 Japanese ruling clique twice rejected the proposals  
14 of the Soviet Government in regard to the conclusion  
15 of a non-aggression pact, in spite of the fact that,  
16 as the Japanese Foreign Ministry admitted (TOGO's  
17 report, April 1933), it was clear to them that "the  
18 desire of the Soviet Union for a non-aggression pact  
19 with Japan was motivated by its desire to secure the  
20 safety of its Far Eastern territory from the increasing  
21 threat which it feels since the Japanese advance into  
22 Manchuria." <sup>e.</sup> There is no doubt that this was due  
23 to the same considerations which were outlined in the  
24

25 (H-33. b. Ex. 745, T. 7719 (H-34. a. Ex. 3609A,  
c. Ex. 746, T. 7720 T. 35362.)  
d. Ex. 747, T. 7727)



39,770

1 report submitted by KAWABE, Torashiro, to the General  
2 Staff - purporting to secure freedom of actions.<sup>b.</sup>  
3 The above-mentioned TOGO report confirms it.<sup>c.</sup>

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23 (H-34. b. Ex. 701, T. 7508  
24 c. Ex. 3609A, T. 35362.)  
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1 H-35. Having refused to conclude the  
2 Neutrality Pact with the U.S.S.R. the Japanese  
3 imperialists continued their preparations for a war  
4 against the U.S.S.R. The secret decision of the  
5 Four Ministers Council of August 7, 1936 demanded  
6 that attention be centered around "making all China  
7 anti-Soviet and pro-Japanese."<sup>a</sup> In June 1937, TOJO,  
8 who was then Chief of Staff of the Kwantung Army,  
9 in his telegram addressed to the Vice-Minister of  
10 War UMEZU and to the Japanese General Staff made  
11 the following proposal: "Judging the present situation  
12 in China from the point of view of military prepara-  
13 tions against Soviet Russia, we should deliver a blow,  
14 if our military power permits, first of all on the  
15 Nanking regime to get rid of the menace at our back.  
16 ..."<sup>b</sup> The invasion of China by the Japanese troops  
17 commenced in July 1937 proves that the decision of the  
18 Four Ministers Council of August 7, 1936 and the  
19 aforementioned proposal of TOJO were translated into  
20 reality.  
21

22 H-36. With reference to the plan of war  
23 vis-a-vis the U.S.S.R. of 1932, Lt. Col SEJIMA, Ruizo,  
24 of the Japanese General Staff, who was examined in the

25 H-35.

- a. Ex. 704, T. 7523
- b. Ex. 672, T. 7336

1 Tribunal, testified:

2 "The Chief strategical scheme of Japan's  
3 supreme command, in case of a Russo-Japanese war,  
4 was to concentrate our main forces in Eastern Manchuria  
5 and take the offensive against Far East Russia. The  
6 Kwantung Army was to occupy Voroshilov, Vladivostok,  
7 Iman, and then Khabarovsk, Blagoveschensk and  
8 Kuibyshevka."<sup>a</sup>

9 Under the plan of 1941, formulated prior to  
10 Germany's attack against the U.S.S.R., the Kwantung  
11 Army, as may be seen from the testimony of SEJIMA,  
12 was to concentrate its main forces in the direction  
13 of the Soviet Maritime Province. I do not intend to  
14 refer to the details of this plan, which have been  
15 described by the witness at great length, and will cite  
16 only two brief excerpts:

17 "In the first phase of the war, they expected  
18 to occupy Voroshilov, Vladivostok, Blagoveschensk,  
19 Iman, Kuibyshevka and Rukhlovo, while in the second  
20 phase, they expected, as far as the situation permitted,  
21 to occupy North Sakhalin, Port Petropavlovsk of  
22 Kamchatka, Nikolayevsk of the Amur River, Komsomolsk  
23 and Sovgavan.

24 H-36.

25 a. Ex. 834, T. 8094



1 "... The Naval operations for 1941 had the  
2 three following objects:

3 "1) to protect the landings on Port Petro-  
4 pavlovsk of Kamchatka and North Sakhalin;

5 "2) to attack the Russian Pacific Fleet and  
6 blockade Vladivostok from the sea front;

7 "3) to protect the communication line connect-  
8 ing Japan Proper, Korea and Manchuria by guarding the  
9 Tsushima Channel." <sup>b</sup>

10 H-37. Throughout the period 1935-41 the  
11 Japanese War Ministry was collecting information  
12 through the Central Shipping Department and working  
13 on the military topographic information necessary for  
14 landing operations on the Soviet peninsula of Kamchatka  
15 which seizure was planned by the General Staff. This  
16 information is contained in the collection of military  
17 topographic materials published in March 1941. <sup>a</sup>

18 c. Preparation of the Japanese Armed  
19 Forces for War vis-a-vis the U.S.S.R.

20 H-38. To ensure the implementation of its  
21 plans of aggressive war vis-a-vis the U.S.S.R. the  
22 imperialistic clique which ruled Japan was increasing  
23

24 H-36. b. Ex. 824, T. 8098

25 H-37. a. Ex. 721-A, T. 7571

1 the strength and armament of the Kwantung Army from  
2 year to year. Over the period 1932-37 alone the  
3 numerical strength of the Kwantung Army increased  
4 five-fold. During the same period of time the Japanese  
5 air force in Manchuria increased three-fold, the  
6 artillery four-fold and the number of tanks, more than  
7 ten-fold. During the subsequent years the growth of  
8 the Japanese armed forces continued at the same rate.  
9 By 1942 the Kwantung Army was up to 1,100,000 men strong.  
10 The number of tanks increased two-fold, while planes and  
11 artillery increased more than three-fold.<sup>a</sup> The growth  
12 of the Kwantung Army is characterized by the fact that  
13 it increased at a considerably greater rate than the  
14 Japanese Army as a whole. Thus, whereas in 1932 the  
15 Kwantung Army constituted only 20 per cent of the total  
16 strength of the Japanese Army, in 1937 it already con-  
17 stituted over 30 per cent and by 1942 almost 35 per cent  
18 of the whole of the Japanese Army. The Kwantung Army  
19 formations were located close to the frontiers of the  
20 Soviet Union, poised in the main directions of the  
21 offensive envisaged by the operation plan.<sup>b</sup> During the  
22 same period of time, the Japanese forces in Korea were  
23 increased from 30,000 (in 1931-32) to 120,000 (in 1942),  
24  
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H-38.

a. Ex. 706, T. 7531

b. Ex. 707, T. 7535

1 and afterwards to 360,000 men.<sup>c</sup> The Japanese Army  
2 formed in Inner Mongolia and intended for operations  
3 in the direction of Ulan Bator and Zabaikalsk was  
4 increased to 40,000 troops by 1941, and to 70,000  
5 troops by 1943.<sup>d</sup>

6 THE PRESIDENT: General, we will adjourn  
7 until half-past one.

8 (Whereupon, at 1200, a recess  
9 was taken.)

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23 H-38. c. Ex. 724, T. 7587  
24 d. Ex. 833, T. 8092;  
25 Ex. 835, T. 8127.



## AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2 MARSHAL OF THE COURT: The International  
3 Military Tribunal for the Far East is now resumed.

4 THE PRESIDENT: General Vasiliev.

5 GENERAL VASILIEV: (Reading)

6 H-39. I also deem it necessary to refer to  
7 the colonization policy of the Japanese government  
8 in Manchuria which was dependent, first and foremost,  
9 upon the military aims. The following is said in an  
10 excerpt from the report of the Soviet Army General  
11 Staff dealing with that matter: "The first to settle  
12 in Manchuria were reserve men, who had finished the  
13 active service in the army by means of which was  
14 reached the accumulation of cadres for mobilization  
15 deployment of the Kwantung Army, with the purpose of  
16 preparation of war against the U.S.S.R."<sup>a</sup> It follows  
17 from the documents that the colonists usually  
18 settled in regions adjacent to the Soviet Maritime  
19 Province and in the border areas of North Manchuria.  
20 As to the Japanese reservists in Manchuria whose  
21 number had reached 150,000 men and their preparedness  
22 to reinforce the Kwantung Army at shortest notice,  
23 (H-39. a. Ex. 717, T, 7557.)  
24  
25

the testimony of the witness MURAKAMI, Keisaku, was  
b.  
presented to the Tribunal.

H-40. The forces of the puppet governments  
set up by Japan in Manchuria and Inner Mongolia should  
be added to these Japanese armed forces. The witnesses  
MURAKAMI and TAKEBE testified that in 1941 the strength  
of the so-called Manchurian National Army amounted to  
80,000-100,000 men; at the same time in order to accumu-  
late reserves a universal conscription law was enforced  
in Manchukuo.<sup>a.</sup> The so-called National Army of Inner  
b.  
Mongolia was 12,000 men strong.

H-41. To have a complete idea of the strength  
of the Kwantung Army it is necessary to take into  
account the emergency measures which were regularly  
adopted from time to time to increase the armed forces  
by way of extending the term of active military service  
for soldiers in Manchuria. This was done in 1938 by  
TOJO, the Kwantung Army Chief of Staff, and UMEZU,  
Vice-Minister of War, and it resulted in the increase  
of manpower amounting to 50 per cent of the whole  
strength of the army.<sup>a.</sup> Such a step closely preceded  
Japan's attack against the territory of the U.S.S.R.  
in the Lake Khassan area and was taken at the period

(H-39. b. T. 32,064-5.

H-40. a. T. 31,882; T. 32,064. b. Ex. 710, T. 7543.

H-41. a. Ex. 719-A, T. 7560.)

1 when negotiations with Hitler for a military alliance  
2 directed against the U.S.S.R. were being conducted.

3 Similar measures to increase the manpower of the  
4 Kwantung Army were effected in 1941 as well.

5 d. The Establishment of a Military Base in  
6 Manchuria and Korea.

7 H-42. After the seizure of Manchuria the Jap-  
8 anese military clique concentrated in their hands  
9 "special rights," which were indispensable for them  
10 in transforming Manchuria into a military base to prepare  
11 for an attack against the U.S.S.R. It may be seen  
12 from a document produced before the Tribunal, the record  
13 of a conference of the Privy Council held on December 13,  
14 1932, at which HIRANUMA made a report on the agreements  
15 of September 9, 1932, that were dictated to the puppet  
16 government of the conquered country.<sup>a</sup> HIRANUMA's  
17 report and the text of the agreements show that the  
18 Japanese invaders seized all the natural resources of  
19 Manchuria and first of all strategic raw materials;  
20 that all the railroads, highways, air fields and means  
21 of transportation of Manchuria were placed at the dis-  
22 posal of the Commander-in-Chief of the Kwantung Army;  
23 that in general the latter received unlimited possibi-  
24 lities in the matter of establishing a military base in  
25 (H-42. a. Ex. 241, T. 2972.)



Manchuria which was imperative for preparing and waging  
1 a great war of aggression against the U.S.S.R. and  
2 China.

3 H-43. The prosecution has tendered exhaustive  
4 evidence both from Soviet and Japanese sources on the  
5 measures carried out by Japan in Manchuria since 1932,  
6 as a result of which Manchuria was transformed into  
7 the largest military base for an attack against the  
8 U.S.S.R. At the time of the surrender the military  
9 clique could not destroy that military base as they  
10 did with the plans and documents. Strategic railroads  
11 and highways leading to the Soviet borders, fortified  
12 areas, air fields, barracks, ammunition dumps remained  
13 as undeniable evidence of the military preparation of  
14 the Japanese aggressors against the U.S.S.R. In 1945,  
15 during the liberation of Manchuria by units of the  
16 Soviet Army, all those numerous military objectives  
17 were registered.

18  
19 H-44. The establishment of a military base  
20 is characterized first of all by the construction of  
21 a network of strategic railways and automobile roads.  
22 It is not incidental therefore that KAWABE, Torashiro,  
23 suggested in his report to the General Staff in July,  
24 1932: "Regarding the construction of transportation  
25 networks in Northern Manchuria we must take into

consideration . . . strategy towards the U.S.S.R." <sup>a.</sup>

1 As may be seen from the document of the Soviet Army  
2 General Staff, by 1941 the length of the railway lines  
3 in Manchuria had reached 10,735 kilometers, and by that  
4 time the Japanese had built over more than 18,000 kilo-  
5 meters of automobile roads. <sup>b.</sup> Even a casual glance at

6 the railway network of Manchuria on the maps produced  
7 before the Tribunal discloses in a convincing way that  
8 the greatest part of the railway lines and automobile  
9 highways built during those years were of strategic  
10 importance and led to the borders of the Soviet Union.

11 A particularly dense network of railway lines and  
12 automobile roads was built in those parts of Manchuria  
13 which were adjacent to the border of the Soviet Maritime  
14 Province. The direction of the roads corresponded to  
15 the directions provided by the operation plans of the  
16 Japanese General Staff for the invasion of Soviet  
17 territory by the Japanese Army. During his cross-  
18 examination, the defendant MINAMI admitted that during  
19 the time he held the post of Commander-in-Chief of  
20 the Kwantung Army intensive construction of railroads  
21 was going on in Manchuria and that those railroads  
22 were built in the direction of the Soviet border. <sup>c.</sup>

23 (H-44. a. Ex. 701, T. 7508.  
24 b. Ex. 712, T. 7546.  
25 c. T. 19952.)

1 The testimony of Lieutenant General KUSABA, former  
 2 chief of the continental railways of Japan, has proved  
 3 that the strategic railways in Manchuria were built  
 4 according to the plans of the Japanese General Staff,  
 5 agreed to by the War Ministry and approved by the  
 6 cabinet.<sup>d.</sup> The Kwantung Army command considered the  
 7 South Manchurian Railway Company to be very important.  
 8 The latter was invited to participate in the matter of  
 9 preparing operations against the U.S.S.R. and it  
 10 conducted its own independent construction of strategic  
 11 roads in Manchuria. A secret telegram of May, 1938,  
 12 sent by TOJO, Chief of Staff of the Kwantung Army, to  
 13 the War Ministry bears evidence to that effect:

14 " . . . it (i.e. the South Manchurian Railway  
 15 Company) is receiving the army's guidance for coopera-  
 16 ting in the enforcement of the national policies of  
 17 Manchukuo and also in the operational preparations,  
 18 etc. against the Soviet Union."<sup>e.</sup>

19 In Korea, railways and automobile roads were  
 20 built mainly in the northern part bordering on the  
 21 Soviet frontier, which is indicative of their strategic  
 22 purpose.<sup>f.</sup>

23 H-45. The construction of barracks in  
 24 (H-44. d. Ex. 838, T. 8164.  
 25 e. Ex. 720-A, T. 7567.  
 f. Ex. 725, T. 7588.)



1 Manchuria, estimated capable of billeting 1,500,000  
2 men, is ample proof of the fact that the Kwantung Army  
3 was preparing not for defensive but for offensive war-  
4 fare. As may be seen from the document of the Soviet  
5 Army General Staff<sup>a.</sup> and from the maps offered during  
6 the trial, three-quarters of the total number of bar-  
7 racks was concentrated in the areas of the initial  
8 positions of the troops assigned for the operations  
9 for the seizure of the Soviet Far East. By 1941,  
10 the total number of barracks in Korea could accommodate  
11 seven divisions, of which five divisions were to be  
12 accommodated in northern Korea.<sup>b.</sup> The construction of  
13 ammunition dumps in Manchuria and Korea was carried  
14 out with the view to provide for large supplies of  
15 ammunition and war materials. Moreover, the majority  
16 of the dumps were in close proximity to the borders  
17 of the Soviet Union which could take place only in  
18 case the operations were meant to be offensive.<sup>c.</sup>

19  
20 H-46. While preparing a military base for  
21 the activities of the Japanese forces against the  
22 Soviet Union, the command of the Japanese Army in  
23 Manchuria and Korea was constructing a great number  
24 of air bases, air fields, and landing grounds. It is

25 (H-45. a. Ex. 716, T. 7555.

b. Ex. 729, T. 7593.

c. Ex. 715, T. 7554; Ex. 728, T. 7592.)

1 sufficient to mention that in 1931 there were only five  
 2 airfields, whereas in 1941 their number reached 74; as  
 3 to the whole number of all airfields and landing grounds,  
 4 it reached 287 in 1941.<sup>a.</sup> In Korea, in 1931, there were  
 5 eight airfields and landing grounds. In 1941 their  
 6 number increased to 53.<sup>b.</sup> In view of the forthcoming  
 7 large-scale use of the Japanese air forces TOJO and  
 8 UMEZU took steps in 1937 and 1938 in order:  
 9 ". . . especially to strengthen aeronautical meteor-  
 10 ological service system in preparation for a war with  
 11 Soviet Russia."<sup>c.</sup>

12 H-47. The construction of fortified areas in  
 13 Manchuria was going on during the whole period, and  
 14 by 1941 on the border with the U.S.S.R. there had already  
 15 been established 13 fortified areas with an over-all  
 16 extent of more than 700 klms. As may be seen in the  
 17 document of the Soviet Army General Staff: "The dis-  
 18 position of the fortified districts was clearly indi-  
 19 cative of their aggressive nature because all of them  
 20 were shallow in depth and were built in zones facing  
 21 directions leading to very important operation objec-  
 22 tives on the Soviet territory."<sup>a.</sup> In one of the secret

24 (H-46. a. Ex. 713, T. 7550.  
 25 b. Ex. 726, T. 7589.  
 c. Ex. 719-A, T. 7560.  
 H-47. a. Ex. 714, T. 7552.)

1 telegrams of February 1938 TOJO informed UMEZU: "The  
2 establishment of anti-Soviet fortifications is  
3 scheduled to be made during 1938 and 1939 on the spots  
4 not yet started as well as the spots regarded as  
5 specially important among the locations of fortifica-  
6 tions . . ."<sup>b.</sup> The construction of fortified areas in  
7 Korea was concentrated on the northeastern and eastern  
8 coast; that is, their spearhead was directed only  
9 against the U.S.S.R.<sup>c.</sup> A number of fishery ports of  
10 local importance in Korea and Manchuria were transformed  
11 into ports for disembarking troops and into operation  
12 and maneuver bases for the Navy of Japan.<sup>d.</sup> The  
13 characterization of the construction of a military base  
14 in Manchuria against the U.S.S.R. may be found in the  
15 testimony of certain witnesses who were Japanese  
16 generals who served in the Kwantung Army: MIYAKE,  
17 Mitsuharu, MURAKAMI, Keisaku, KITA, Seichi, KUSABA,  
18 Tatsumi, and TANAKA, Ryukichi, as well as in the testi-  
19 mony of TAKEBE, Rokuzo, former Chief of the Department  
20 of General Affairs of the Manchukuo Government.<sup>e.</sup> I  
21 shall confine myself to this general reference, since  
22

23 (H-47. b. Ex. 719, T. 756C.

24 c. Ex. 712, T. 7546.

25 d. Ex. 718, T. 7559.

e. Ex. 699, T. 7501; Ex. 722, T. 7575;

Ex. 835, T. 8127; Ex. 838, T. 8164;

Ex. 670, T. 7330; Ex. 3371, T. 31834;

T. 2044.



the evidence proves the data referred to by me above.

1 e. The Preparation of the Population of  
2 Manchuria for a War Against the U.S.S.R.

3 H-48. The Japanese imperialists were very  
4 active in preparing the whole population of Manchuria  
5 along ideological and military lines for an aggressive  
6 war against the Soviet Union. The "Kyowakai" society  
7 whose membership was 4,500,000, founded and controlled  
8 by the Commander-in-Chief of the Kwantung Army, served  
9 this purpose.<sup>a.</sup> TAKEBE, Rokuzo, a member of the

10 "Kyowakai" Central Headquarters, admitted that the  
11 society contributed to the transformation of Manchuria  
12 into a military base for the preparation of a war  
13 against the Soviet Union.<sup>b.</sup> The same witness testified

14 that every week the Chief of the Central Headquarters of  
15 the "Kyowakai" used to make a report on the activities  
16 of the society to UMEZU, Commander-in-Chief of the  
17 Kwantung Army, and received from him instructions as to  
18 further work. The witness concluded: "Thus, the  
19 Commander-in-Chief of the Kwantung Army directed not  
20 only /the activities of/ the Manchukuo Government but  
21 also /those of/ the Kyowakai Society."<sup>c.</sup> The witness,

22 (H-48. a. Ex. 699, T. 7501; Ex. 670, T. 7330;  
23 Ex. 3371, T. 31834.  
24 b. Ex. 670, T. 7330.  
25 c. Ex. 3371, T. 31834.)

1 General MIYAKE, who was one of the initiators of the  
2 establishment of the "Kyowakai" society and head of  
3 the Central Headquarters of the organization for the  
4 last five years, referring to the preparation for a  
5 war against the U.S.S.R. stated:

6 "For that purpose Kyowakai made widespread  
7 propaganda; . . . . made positive efforts for the  
8 development of Manchurian Industries especially that  
9 of munitions, participated in the construction of mili-  
10 tary installations under the direction of the respective  
11 military headquarters and organized special military  
12 groups for wartime operations named "Sempo Dan" . . . .  
13 the chief duties (i.e. of the "Sempo Dan") during war  
14 time were such positive operations behind Soviet lines,  
15 as terrorist acts, the executions of plots, stratagems,  
16 the explosions of railway lines, bridges and military  
17 warehouses and killing and wounding of Soviet troops." c.

18 A book "The Great Manchurian Empire" published  
19 in 1942 on the occasion of the 10th jubilee by the  
20 "Kyowakai" society and the main Bureau of Russian  
21 emigrants<sup>e.</sup> shows to what great extent the Kwantung  
22 Army command was concerned with the preparation of the  
23 population of Manchuria for a war against the Soviet  
24 Union.  
25

(H-48. d. Ex. 699, T. 7501.  
e. Ex. 731-A, T. 7605.)

f. The Part Played by the Commander-in-Chief and by the Staff of the Kwantung Army.

H-49. The Commander-in-Chief of the Kwantung Army, who represented the War Ministry and Japan's General Staff and who in his capacity as Ambassador to Manchukuo represented the Japanese Government and the Foreign Ministry as well, enjoyed such wide powers that he had full authority in the country and control over all the government bodies of Manchukuo. The testimony of the witnesses Pu-Yi, TAKEBE, Rokuzo, TANAKA, Ryukichi, and others shows that the Japanese counsellors, subordinates of the Commander-in-Chief of the Kwantung Army, ruled and bossed in Manchuria as if they were at home.<sup>a</sup> The guidance of the Manchukuo Army was concentrated in the hands of the Commander-in-Chief and of the Staff of the Kwantung Army and was effected through a special system of military counsellors. The Commander-in-Chief of the Kwantung Army and his headquarters were directly engaged in the drafting of plans for a war against the U.S.S.R. Article 2 of the Kwantung Army Headquarters Regulations made the Commander-in-Chief responsible to "the Chief of the Army General Staff in the matters of military (H-49. a. T. 1994-2000; Ex. 670, T. 7330. Ex. 3371, T. 31834.)



1 operations and mobilization plan." <sup>b.</sup> During his cross-  
 2 examination, the witness MATSUMURA, Tomokatsu, expressed  
 3 the same idea in the following words: "The operational  
 4 plans of the Kwantung Army itself were made, formulated,  
 5 by the Kwantung Army." <sup>c.</sup> The Kwantung Army was the  
 6 striking force of Japan, and it was assigned to the  
 7 invasion and occupation of the Soviet territory.

8 g. The Violation by Japan of the Portsmouth  
 9 Treaty of 1905 and of the Peking Convention of 1925.

10 H-50. At this time, when the Tribunal knows  
 11 about the military measures carried out by Japan in  
 12 Manchuria and Korea after 1931, I am fully entitled to  
 13 state that the ruling military clique of Japan grossly  
 14 violated international treaties concerning Korea and  
 15 Manchuria which were concluded with the Soviet Union  
 16 or which remained in force from former times. Let us  
 17 take the Portsmouth Treaty of 1905 that had been con-  
 18 firmed by the Peking Convention of 1925 and still

19 remained in force. <sup>a.</sup> Article 2 of the treaty reads as  
 20 follows:  
 21

22 ". . . . in order to avoid all course of  
 23 misunderstanding, the two High Contracting Parties will  
 24 abstain, on the Russo-Korean frontier, from taking any  
 25 (H-49. b. Ex. 2415, T. 19554.  
       c. T. 8154.  
       H-50. a. Ex. 21, T. 513.)

1 military measure which may menace the security of Russian  
2 or Korean territory."

3 By having established the Korean military base,  
4 Japan violated that article of the treaty. Let us refer  
5 to Article 3 of the Portsmouth Treaty. It reads as  
6 follows:

7 "Japan and Russia mutually engage:

8 "1. To evacuate completely and simultaneously  
9 Manchuria, except the territory affected by the lease  
10 of the Liaotung Peninsula . . .

11 "2. To restore entirely and completely to  
12 the exclusive administration of China all portions of  
13 Manchuria now in the occupation or under the control  
14 of the Japanese or Russian troops, with the exception  
15 of the territory above mentioned."

16 By having seized Manchuria in 1931, Japan  
17 together with the violation of her other international  
18 obligations also violated Article 3 of the Portsmouth  
19 Treaty. Article 7 of the Portsmouth Treaty reads as  
20 follows:

21 "Japan and Russia engaged to exploit their  
22 respective railways in Manchuria exclusively for com-  
23 mercial and industrial purposes and in no wise for  
24 strategic purposes."  
25

That article of the treaty was not observed

by Japan either.

1 H-51. In their attempt to disprove the charges  
2 concerning Japan's planning of aggressive war against  
3 the U.S.S.R., the defense in the first place has narrowed  
4 down the scope of the charge, pretending that the  
5 prosecution allegedly was only concerned with the plans  
6 beginning with 1933.<sup>a.</sup> We, however, have produced before  
7 the Tribunal evidence of Japan's plans of aggression  
8 against the U.S.S.R. beginning with 1928.<sup>b.</sup>

9 H-52. The defense contends that the Japanese  
10 government did not plan to seize Manchuria for the pur-  
11 pose of establishing a military base against the U.S.S.R.  
12 However, even General KAWABE, witness for the defense,  
13 had to admit that the use of Manchuria as a military  
14 base against the U.S.S.R. had been contemplated before  
15 Manchuria was seized. Referring to the plan of 1930,  
16 KAWABE stated: "We planned only a basic plan in anti-  
17 cipation of encounters on the frontiers of South and  
18 North Manchuria and we were thinking of making a  
19 defensive stand in northern Korea."<sup>a.</sup> It stands to  
20 reason that the planned clash with the Soviet Army  
21 on the border with Northern Manchuria could take place  
22 only in case of a preliminary occupation of the whole  
23  
24 (H-51. a. T. 17,049.  
25 b. Ex. 691-A, T. 7438; Ex. 699, T. 7501.  
H-52. a. Ex. 2408, T. 19,406.)



1 of Manchuria by the Japanese troops. Hence it becomes  
 2 also obvious that under such circumstance measures for  
 3 the defense of Northern Korea become superfluous. The  
 4 defendant MINAMI, who was War Minister in 1931, con-  
 5 firmed in the course of his cross-examination that in  
 6 case war should break out between Japan and Russia,  
 7 Manchuria would be necessary as a military base against  
 8 Russia.<sup>b.</sup> Another defendant, General MATSUI, testified,  
 9 to the effect that "history has proved, that in case of  
 10 a war between Russia and Japan, Manchuria would be a  
 11 base."<sup>c.</sup>

12 H-53. Defense witness KASAHARA, Yukio,  
 13 stated that the record of the conversation Ambassador  
 14 HIROTA had with General HARADA and which took place in  
 15 his presence<sup>a.</sup> was made upon the request of General  
 16 HARADA and that he (KASAHARA) believed HIROTA did not  
 17 know that his suggestions made verbally to the Chief  
 18 of the Japanese General Staff were written down.<sup>b.</sup> It  
 19 is hard to understand what importance the fact whether  
 20 or not HIROTA knew that his words were written down may  
 21 have. It is a matter of responsibility for the words  
 22 said, which contained an important suggestion. The

24 (H-52. b. T. 19,807.

c. T. 33,894.

25 H-53. a. Ex. 692, T. 7447; Ex. 693, T. 7447.

b. T. 23,262.)

fact that the words were said was not denied by anybody.

1 As to his report submitted to the General Staff in 1931,  
2 KASAHARA as a defense witness contends that it was  
3 written by him on his own initiative and that allegedly  
4 his suggestions were not taken into consideration with  
5 the exception of those which referred to the consoli-  
6 c. dation of the national defense of Japan. It may be  
7 mentioned in this connection that KASAHARA's report

8 which was referred to bore the modest title: "Views  
9 Concerning Our Imperial National Defense Against the  
10 U.S.S.R.," but we know that the subject discussed there  
11 was not a defense, but an attack against the Soviet  
12 Union. d. Against such unwarranted allegations, evidently  
13 prompted by KASAHARA's fear of the responsibility for

14 such a criminal document, we may at least point out  
15 the fact that KASAHARA, Yukio, even as far back as 1932  
16 was appointed Chief of the Russian Section of the  
17 General Staff and in 1942-45 was a lieutenant general  
18 and the Kwantung Army Chief of Staff, which undoubtedly  
19 was a direct acknowledgment of his meritorious services  
20 in the matter of studying the plans for a war against  
21 the Soviet Union and a confirmation of the fact that  
22 his plans for a war against the U.S.S.R. proved to be  
23

24 (H-53, c. T. 23,257-8.  
25 d. Ex. 2671, T. 23,218.)

quite suitable to the General Staff. That such is the  
1 case is corroborated by the message sent in 1932 to the  
2 Military Attache in Moscow by KASAHARA, in which he  
3 reports the decision adopted by the General Staff to  
4 have the preparations for a war against the U.S.S.R.  
5 completed by the beginning of 1934<sup>e</sup>. Also significant  
6 is the answer given by KASAHARA to the question of  
7 Defense Counsel Blakeney concerning the message, the  
8 authenticity of which he confirmed. KASAHARA said:  
9 ". . . in the General Staff and the War Office the  
10 section chiefs had a tentative agreement for a war  
11 against the Soviet Union -- not war, but military pre-  
12 parations vis-a-vis the Soviet Union."<sup>f</sup> The witness  
13 blurted it out and rendered poor help to Mr. Blakeney  
14 and his clients. As the English saying goes, the  
15 witness let the cat out of the bag.  
16

17 (H-53. e. Ex. 702, T. 7510.  
18 f. T. 23,252-3.)  
19  
20  
21  
22  
23  
24  
25



1 L-54. The defense was unable to submit  
2 anything of weight in meeting the evidence of the  
3 prosecution which showed that in the period 1934-1941  
4 plans for offensive war against the USSR were being  
5 worked out by the Japanese General Staff. It is  
6 significant that the defense witness, HASHIMOTO, Gun,  
7 former Chief of the 1st Division of the General Staff,  
8 was not even examined by the defense as to the con-  
9 tents of the operation plan of a war against the  
10 USSR in 1938.<sup>a.</sup> Obviously the reason for it is  
11 that the plan for 1938 was also an offensive plan  
12 directed against the USSR. There was nothing else for  
13 the defense to do but to make a groundless allegation  
14 that Japan's plans were defensive and were prompted  
15 by fear that the USSR would attack Japan. Particu-  
16 larly zealous in this respect was defense counsel  
17 Blakeney, who although being compelled to admit that  
18 in Japan: ". . . military preparations were made,  
19 operational plans drawn, and so forth, with a view  
20 to hostilities vis-a-vis the USSR," declared, however,  
21 that those were allegedly only prudent measures of  
22 precaution, military and otherwise.<sup>b.</sup>

24 H-55. To expose such subterfuges let us  
25 refer to documents. I quote two excerpts from the  
H-54. a. Ex. 2622, T. 22579; b. T. 23623.

1 report of KASAHARA, military attache in Moscow  
2 (1931).

3 "Soviet Russia at present is not offensive  
4 but defensive and is particularly afraid of foreign  
5 invasion. . .

6 ". . . At present, however, in view of  
7 her national powers in general, it is judged that  
8 she has not enough strength to execute a war." <sup>a.</sup>

9 Here is an excerpt from a document of the  
10 Japanese General Staff concerning Russo-Japanese nego-  
11 tiations on the subject of fisheries:

12 "Judging from the internal and external  
13 state of Soviet Russia, if we showed our determina-  
14 tion to obtain unlicensed fishing, they will have no  
15 courage to maintain their insistence. However, if we  
16 carried out our insistence in spite of Russian resolute-  
17 ness, by force of circumstances, the result be the  
18 severance of diplomatic relationship with Russia, and  
19 it will give us the opportunity to promote our sin-  
20 cere desire of executing our basic national policy  
21 against Russia." <sup>b.</sup>

22 Both these secret Japanese documents are  
23 dated 1931 and they show that the Japanese General  
24 H-55. a. Ex. 696, T. 7490.  
25 b. Ex. 694, T. 7457.

1 Staff had no reasons to expect -- and did't expect --  
2 an attack on the part of the Soviet Union; and the  
3 defense in their unwise perseverance has conjured up  
4 the idea of this "threat" for the sake of acquitting  
5 the defendants. In order to leave no shadow of doubt  
6 as to the fact that later on the Japanese Government  
7 didn't see any real threat coming from the USSR, I,  
8 first of all, shall refer to TOGO's report (April,  
9 1933) on the foreign policy of Japan, in which TOGO  
10 considers the USSR position as quite peaceful,<sup>c.</sup> and  
11 secondly I shall quote a passage from a letter of the  
12 defendant SHIRATORI to ARITA at the end of 1935;

13 "What is most desirous for Soviet Russia  
14 at present, is to have peaceful and amicable relation-  
15 ships with the foreign powers."<sup>d.</sup>

16 One may become well aware of the fact that if  
17 at that time the Japanese propaganda used to shout  
18 about an "emergency period" for Japan and about "the  
19 threat from the North," it was nothing but an attempt  
20 to justify the military preparations. At present,  
21 those fables have been revived at the Tribunal by the  
22 defense counsel for the accused.

23 H-56. The allegations of the defense

24 (H-55. c. Ex. 3609-A, T. 35, 362  
25 c. Ex. 774, T. 7877.)



witnesses that the operations plans of the Japanese General Staff were allegedly only "theoretical plans" were refuted by the whole course of the Pacific War, when, as it is well known, those plans were put into operation on the largest scale imaginable. What extremely practical inter-relations there existed between the operations plans of Japan's General Staff and the concrete actions against the USSR and China I have already shown in the case of the seizure of Manchuria by Japan in 1931 and of the beginning of the war against China in 1937 -- actions first planned and then carried out. The plans of a war of aggression against the USSR cannot be considered as theoretical plans for the reason given above that for their materialization at any moment the huge Kwantung Army and the Japanese Army stood prepared, and as a result of the efforts of many years and tremendous expenses a military base for an attack against the Soviet Union was established in Manchuria and Korea. Those were quite practicable plans for an aggressive war, for the initiating and waging of which the Japanese imperialists tried to find the most favorable time.

H-57. The defense could not dispute the fact of a steady growth of Japan's forces that were specially designated for the war with the Soviet Union,

1 but attempted to weaken the impression which such an  
2 important factor of the preparation for war made and  
3 submitted their own data concerning the reinforcement  
4 of the Kwantung Army and the Japanese Army in Korea.  
5 These are contradictory and understated. Defense  
6 witness KASAHARA asserts <sup>a.</sup> that in the course of five  
7 years, from 1932 to 1936, the Kwantung Army forces did  
8 not increase and make up three divisions, two mixed  
9 and two or three cavalry brigades. <sup>b.</sup> Compare this  
10 testimony of the defense witness KASAHARA with the  
11 figures presented by the defense itself that the  
12 numerical strength of the Kwantung Army in 1937 was  
13 200,000 men <sup>c.</sup> and you will see the falseness of the  
14 witness KASAHARA's testimony and the inconsistencies  
15 of the allegations of the defense.

16 H-58. Such defense witnesses as HASHIMOTO,  
17 Gun, KASAHARA, Yukio and TANAKA, Shinichi, describe  
18 the strength of the Kwantung Army by referring to the  
19 number of divisions which made it up; but at the same  
20 time they pass in silence over the fact that those  
21 were the best and reinforced divisions of the Japanese  
22 Army of the so-called A and A-1 type, which twice  
23 exceeded in strength and armament normal Japanese  
24

25 H-57. a. Ex. 2670, T. 23190. c. Ex. 2682, T. 23555.  
b. Ex. 2670, T. 23190.

divisions and ordinary divisions of other countries.

1 That is why the method used by the defense of comparing  
2 the number of divisions of the Kwantung Army with  
3 that which allegedly other countries had is funda-  
4 mentally wrong and is beneath any criticism.

5 H-59. The strength of the reinforced  
6 divisions of the Kwantung Army was between 24,600 --  
7 a. 29,400 men. Is it necessary to mention that it  
8 was a disguised preparation for a speedy deployment  
9 of the army in Manchuria by way of doubling or even  
10 trebling the number of its divisions on the basis of  
11 peace-time units, the personnel of which was specially  
12 adjusted for such purposes. In the evidence tendered  
13 by the defense there have been omitted completely  
14 the emergency measures for the reinforcement of the  
15 Kwantung Army strength by way of extending the time  
16 of service for soldiers. The certificate about the  
17 strength of the Japanese troops in Manchuria, identi-  
18 fied by the defense witness, Homer J. Blake, Lieutenant  
19 Colonel of the U. S. Army, b. cannot be considered as  
20 a document containing exact figures. We do not know  
21 the primary documents concernin; the strength of the  
22 troops on the basis of which the certificate has been  
23

24 H-59. a. Ex. 707, T. 7535.

25 b. Ex. 2682, T. 23555.



1 made. We are not satisfied with the statement of the  
2 witness about his not being in a position to disclose  
3 the primary figures because they are supposed to be  
4 secret. Such being the case the witness may refer  
5 to any figures, but since we are unable to check and  
6 see that they are correct we do not want to hand over  
7 the fate of our prosecution on such an important  
8 matter to this witness whose testimony is given under  
9 a cover of secrecy.

10 H-60. The defense produced a table on the  
11 approximate strength of the Soviet troops in the Far  
12 East during the period of 1931-1943, which allegedly  
13 was made up according to the Japanese reconnaissance  
14 data that was left over.<sup>a.</sup> The source of this in-  
15 formation cannot be verified, and that is why their  
16 probative value as well as that of similar testimony  
17 of the defense witnesses, TANAKA, Shinichi, KASAHARA,  
18 Yukio, and of some others comes to naught. However,  
19 the defense attempted not only to make an arithmetical  
20 comparison of such information concerning the strength  
21 of the Soviet troops with the understated information  
22 on the strength of the Kwantung Army and the Japanese  
23 Army in Korea in order to refute the charge of  
24 aggression against the Japanese ruling clique but  
25 H-60. a. Ex. 2681, T. 23549.

1 they also tried to put forth a fantastic counter  
2 charge against the Soviet Army of its preparing an  
3 attack upon Japan. This really means to put one's  
4 fault at someone else's door. An arithmetical com-  
5 parison of figures concerning troops, which moreover  
6 is not reliable, and abstract arguments instead of an  
7 analysis of the external and internal policies of  
8 nations -- the approach of the defense -- is objec-  
9 tionable in its very foundation.

10 H-61. We submit that the defense is funda-  
11 mentally wrong in discussing and criticising the  
12 measures of defense which peaceful countries that  
13 were threatened by an eventual Japanese aggression  
14 had to adopt. Such discussion is liable to bring  
15 about confusion and is misleading to the Tribunal.  
16 We consider it still more improper that the defendants  
17 should be given the opportunity of taking the position  
18 of accusers and making charges against our country  
19 or any other peaceful nation, which moreover are  
20 quite unfounded and slanderous. For that reason, we  
21 don't deem it necessary to start a controversy with  
22 the defense on the substance of their arguments that  
23 are based on the comparison of some mythical items of  
24 information concerning Soviet and Japanese armed forces.  
25

H-62. The information concerning the

1 reinforcement and the armament of the Kwantung Army  
2 and the Japanese Army in Korea has been submitted  
3 by the prosecution as one of the essential elements  
4 of proving Japan's preparation for a war of aggression  
5 against the USSR. However, we never regarded  
6 these factors to be decisive, since we understood very  
7 well that the strength of the Kwantung Army stationed  
8 in close proximity to Japan proper could double or  
9 treble in no time in accordance with the plans of  
10 attack. Our general conclusion concerning the  
11 aggressive character of Japan's policy vis-a-vis the  
12 USSR is based on the combination of all elements.  
13 Among them there appears to be not only the growth of  
14 the armed forces of Japan, concentrated along the  
15 Soviet frontier, but also the construction of military  
16 objectives in Manchuria and Korea designated to serve  
17 for an attack against the USSR, aggressive war plans,  
18 propaganda for a war of aggression against the USSR,  
19 waging of undeclared wars of aggression, Japan's  
20 alliance with Hitlerite Germany and fascist Italy  
21 aimed at an aggression against the USSR and the  
22 violation of international treaties by Japan. The  
23 defense is powerless to refute this conclusion.  
24

25 H-63. The defense was unable to submit  
anything in opposition to the indisputable evidence



1 of the prosecution on the construction of strategical  
2 railways in Manchuria and Korea. Neither could the  
3 defense contradict the documents on the construction  
4 of a barracks fund and ammunition dumps. Defense  
5 with KASAHARA, Yukio, admitted that "actually  
6 a great many of air bases were constructed in Man-  
7 chukuo," but assures that it was only motivated by  
8 the desire to give greater freedom of maneuver to  
9 the air forces and to deconcentrate them.<sup>a.</sup> The  
10 attempt of this witness to refer to the fact that  
11 allegedly there were more military air bases than  
12 were called for by the number of planes proves once  
13 more that the operations plans for war against the  
14 Soviet Union provided not only for the dispatch to  
15 Manchuria of additional infantry divisions but also  
16 for the dispatch of a great number of airplanes for  
17 which the air fields had already been prepared.

19 H-64. The defense called the witnesses  
20 KASAHARA, Yukio, TANAKA, Shinichi, and IIMURA, Minoru,  
21 to testify on the construction of fortified areas. The  
22 witness IIMURA, Minoru,<sup>a.</sup> acknowledged that UMEZU had  
23 undertaken steps for the establishment of fortifica-  
24 tion construction, but tried to explain their small

25 H-63. a. Ex. 2670, T. 23190.  
H-64. a. Ex. 2684, T. 23473.

1 depth in referring to the tactical rule of the  
2 Japanese Army "not to make a single step in retreat."  
3 Such a contention is absurd. Along with this another  
4 defense witness TANAKA, Shinichi, <sup>b.</sup> gives from the  
5 words of General SUGIYAMA another explanation of the  
6 small depth of the Japanese defensive fortifications.  
7 TANAKA stated that General SUGIYAMA criticized the  
8 small depth of the Japanese fortifications in Man-  
9 churia because "in case of hostilities their lines will  
10 be easily broken through." But the testimony given  
11 by this defense witness is not trustworthy either.  
12 Compare this testimony and you will see that it is  
13 contradictory and one part of it excludes the other.  
14 The only correct explanation as to why the fortified  
15 areas set up by the Kwantung Army were not deep enough  
16 is found in the evidence of the prosecution which  
17 shows that those fortified areas were built not for  
18 the purpose of defense but with the view of covering  
19 the concentration of troops during large-scale offensive  
20 operations.

21 H-64. b, Ex. 2676, T. 23303.  
22  
23  
24  
25

4. SUBVERSIVE ACTIVITIES OF THE JAPANESE  
IMPERIALISTS AGAINST THE U.S.S.R.

Systematic Violations of the Soviet Border.

H-65. The Japanese imperialists systematic-  
ally resorted to subversive activities against the  
U.S.S.R. The specific features of the subversive  
activities were as follows: (1) The carrying out of  
subversive activities upon plan previously drawn up and  
carefully elaborated; (2) It was a system and not  
sporadic acts; (3) Various forms: Wrecking, sabotage,  
terrorism, etc.; (4) Recruiting on a wide scale white  
emigrants and other elements hostile to the Soviet Union;  
(5) The use of subversive activities with the view of  
preparing for a war of aggression. I shall pass to the  
evidence.

a. Sabotage activities of the first period.

H-66. The defendant MINAMI, while Vice-Chief  
of the Japanese General Staff, on October 6, 1927, signed  
top secret "Instruction on investigation of special  
organizations, associations and important individuals,  
who may be used for the gathering of intelligence in-  
formation, for propaganda and subversive activities,"  
and sent it to the military attache in the U.S.S.R. The  
instruction contained practical directives concerning  
(H-66, a. Ex. 2436, T. 19943.)



1 sabotage activities in the U.S.S.R. both under peace-  
2 time and wartime conditions.

3 H-67. During the cross-examination, the prose-  
4 cutor asked the following questions: "Was it your  
5 practice to instruct the military attaches to indulge in  
6 espionage and subversive work?" To which MINAMI answered:  
7 "I have never indulged in such silly practices." <sup>a.</sup> But  
8 when MINAMI was confronted by this document, there was  
9 nothing for him to do except acknowledge that he had very  
10 much indulged in "such silly practices." At the same  
11 time MINAMI added: "I think that many more such letters  
12 must have been issued." <sup>b.</sup> It would be redundant to in-  
13 quire whether this instruction was brought into effect  
14 or not. For what other purpose were the directives sent,  
15 as MINAMI admits, if not for the purpose of putting them  
16 into effect. Facts prove the same thing.

17 H-68. In 1928 a report was submitted to the  
18 General Staff of Japan and to Kwantung Army headquarters  
19 by one of the most prominent Japanese reconnaissance  
20 officers, KANDA, Masatane (later a lieutenant-general  
21 and Chief of the Russian Division of the General Staff).  
22 This report is an elaborate program of sabotage measures  
23 against the U.S.S.R. both for peacetime and wartime. <sup>a.</sup>

24 (H-67. a. T. 19940.

25 b. T. 19944.

H-68. a. Ex. 698, T. 7618; Ex. 3852, T. 38237.)

1 H-69. KANDA's report contemplated: incitement  
2 of national strife between the peoples of the Soviet  
3 Union; propaganda causing enmity between the population  
4 of the European part of the Union and that of the Asiatic  
5 part; undermining discipline in the army breaking up its  
6 mobilization; disorganization of war industries; the  
7 destruction of means of transportation, particularly of  
8 the Siberian railways and the dislocation of wire and  
9 radio communications.

10 H-70. As one of its main objects the report  
11 provided for instigating countries neighboring the USSR  
12 to undertake military and economic measures hostile to  
13 the Soviet Union. In the report Manchuria and Korea were  
14 regarded as military bases for an attack against the  
15 Soviet territory. Besides the general principles of sub-  
16 versive activities, the following is set forth in the  
17 report.

18 " . . . II. Principal matters: sabotage  
19 activities planned to be executed in the east of Siberia.

20 "III. Organizations to be established for the  
21 purpose of sabotage activities in the areas east of  
22 Siberia and their tasks.

23 "IV. Sabotage activities in connection with  
24 the line of transportation in North Manchuria.

25 "V. Sabotage activities in connection with the

collection of goods in North Manchuria." <sup>a.</sup>

1 In the additional descriptions in the report are indicated:  
2 "Peacetime establishments in the Far East areas  
3 necessary for our intrigue against Soviet Russia."

4 Among those measures -- the creation of white emigrant  
5 organizations for hostile activities vis-a-vis the  
6 Soviet Union, the overthrow of Soviet power in Siberia  
7 and in the Caucasus and other regions.

8  
9 H-71. The Japanese were unscrupulous in  
10 selecting the methods of sabotage activities on Soviet  
11 territory. The report says: "If it is impossible to  
12 establish formal organizations, men should be made to  
13 enter Russian territories as diplomats. If this measure  
14 is also impossible, disguised officers should be made to  
15 enter Russia." The issue was raised in a broad aspect.  
16 Thus, we find the following in the report. "As the  
17 sphere of sabotage activities against Russia extends  
18 throughout the world, its organization should also cover  
19 both continents."

20  
21 H-72. The methods worked out by KANDA were put  
22 into effect. Among other evidence it is confirmed by  
23 the agenda of the conference of Japanese military attaches  
24 of a number of European and Asiatic countries, held in  
25 Berlin in April, 1929. The conference was led by MATSUI,  
(H-70. a. Ex. 698. T. 7618.)



Iwane, the former Chief of the 2nd Department of the  
1 General Staff. Among the issues under consideration at  
2 the conference there were:

3 "A study of sabotage measures to be taken by  
4 various European countries in case of war with the  
5 U.S.S.R.; a survey of the conditions of White Russians  
6 in foreign countries and estimate of their future  
7 activities; . . . opinions on intelligence work against  
8 the U.S.S.R. conducted by Japanese military attaches  
9 stationed outside the U.S.S.R."<sup>a.</sup>

10 In its turn the conference proved to be fruit-  
11 ful. Here is another instance: a participant at the  
12 conference, the defendant HASHIMOTO, the then military  
13 attache in Turkey, on November 15, 1929, in accordance  
14 with the directions received from MATSUI at the confer-  
15 ence, sent a report: "Situation in the Caucasus and its  
16 strategic use for the purpose of sabotage activities."<sup>b.</sup>  
17 In this report HASHIMOTO states that the Caucasus "is  
18 surely an important area from the standpoint of strata-  
19 gems against Russia." The system of sabotage elaborated  
20 by HASHIMOTO pursued the purpose of "to make all races  
21 in the Caucasus confront each other and consequently to  
22 bring about confusion in the area."  
23

24 H-73. Meanwhile availing themselves of the  
25 (H-72. a. Ex. 732-A, T. 7658.  
b. Ex. 734-A, T. 7647.)

situation of "internal strife and anarchy," as HASHIMOTO  
1 calls it, the Japanese imperialists expected that  
2 simultaneously their allies -- other aggressive coun-  
3 tries -- would seize the Caucasus by methods of military  
4 occupation. Japanese military attache in Moscow,  
5 KASAHARA, in March, 1931, also sent a report to the  
6 General Staff in which he devoted a special chapter to  
7 sabotage activities against the U.S.S.R. He suggested  
8 that: "our counter-intelligence corps should not be  
9 located solely for the purpose of collecting intelli-  
10 gence about the Soviet; its location should be decided  
11 upon with equal attention to the strategic viewpoint."<sup>a.</sup>  
12

13 H-74. Besides that we submitted to the Tri-  
14 bunal the following documents which show the defendants  
15 guilty of subversive activities against the U.S.S.R.:  
16 "Instructions concerning stratagem," signed on October  
17 5, 1932, by the Assistant Chief of the Japanese General  
18 Staff; "Instructions pertaining to stratagem," signed  
19 on October 8, 1932, by Prince KOTOHITO, Chief of the  
20 General Staff; "Essentials of stratagem," drawn up by  
21 the Japanese General Staff and sent to the military  
22 attaches together with the aforesaid instructions of the  
23 Chief of the Japanese General Staff.<sup>a.</sup>  
24

25 H-75. In the "Essentials of Stratagem" the  
(H-73. a. Ex. 2671, T. 23218.  
H-74. a. Ex. 2409, T. 19469.)

first chapter bears the title "War Against the U.S.S.R.;"  
1 the second is entitled "War Against China;" and the  
2 third "War Against the United States." In article 3 of  
3 the "Essentials," practical ways for Japan to form a  
4 block of Western powers and to prepare them for hostile  
5 action against the Soviet Union are contemplated.  
6 Articles 5 and 6 of the "Essentials" provided that in  
7 case there should be war against China or the U.S.A.  
8 steps must be taken to prevent the Soviet Union from  
9 siding with China or the U.S.A. Among the measures aimed  
10 at undermining the fighting strength of the Soviet Union  
11 in the shortest possible time were the following:  
12

13 "Organizations of Anti-Soviet Russians who took  
14 refuge from the U.S.S.R. will make contacts with their  
15 fellow-men in the U.S.S.R., and will breed riots in the  
16 various areas, stir up feeling against war, and plot the  
17 destruction of the government of the U.S.S.R."

18 H-76. From 1932 in Harbin (Kharbin) and other  
19 Manchurian towns under the auspices of Japanese military  
20 missions there began to appear organizations of white  
21 emigrants for activities directed against the Soviet  
22 Union, and in December, 1934, the "Bureau of White  
23 Emigrants Affairs" was established. That Bureau united  
24 all Russian white emigrants under the guidance of the  
25 Japanese authorities.<sup>a.</sup> The Kwantung Army availed itself

(H-76. a. Px. 731-A, T. 7605.)



1 of those organizations and recruited different emigrant  
2 elements hostile to the Soviet Union for the purpose of  
3 espionage, sabotage and terrorist acts.

4 H-77. The judiciary bodies of the Soviet Union  
5 tried quite a number of cases of subversive activities of  
6 such Japanese agents, who were systematically sent across  
7 the border into the Soviet territory. I shall confine  
8 myself to referring as an example to the case of  
9 Kobylkin, Pereladov and Oleinikov. In the verdict  
10 passed in this case by the Military Collegium of the  
11 Supreme Court of the U.S.S.R. on September 1, 1935, it  
12 was pointed out:

13 "Kobylkin also received and obeyed instructions  
14 of the Secret Service Officers of a certain foreign  
15 power, being its secret agent. Besides, Kobylkin hold-  
16 ing an official position in the police, helped and  
17 personally organized the smuggling of armed bands,  
18 weapons and individual agents from Manchuria to the  
19 Soviet territory to carry out espionage and sabotage and  
20 terrorist acts."<sup>a.</sup>

21 In testifying before the Court, Kobylkin stated:

22 "The State which I and all defendants called  
23 'a certain' was Japan. I received the tasks from SUDA,  
24 Secretary of the Japanese Military Mission in the town  
25 (H-77. a. Ex. 3851-A, T. 38229.)

of Kharbin and from SAKURAI, Chief of the Japanese  
1 Military Mission in the town of Manchuria, and also from  
2 SAITO, Chief of the Military Mission in Kharlar, and  
3 from OSAWA, the head of the editorial office of the  
4 newspaper 'Kharbinskoye Vremya.'"<sup>b.</sup>

5 Thus during that period measures for subversive activi-  
6 ties against the U.S.S.R were implemented step by step.

7           b. Subversive Activities on the Chinese  
8 Eastern Railway

9           H-78. The Japanese militarist clique system-  
10 atically organized sabotage, subversive and terrorist  
11 acts on the Chinese Eastern Railway in Manchuria which  
12 belonged to the Soviet Union, in order to compel the  
13 Soviet Union to relinquish her rights to the Railway.  
14 It was an indispensable element in the transformation of  
15 Manchuria into a military base for an attack against the  
16 Soviet Union. The money for the construction of the  
17 railway had been provided by Russia in accordance with  
18 an agreement with China of 1896.<sup>a.</sup> The Chinese Eastern  
19 Railway was for the Soviet Union the shortest way to the  
20 Maritime Province.  
21

22           H-79. The memorandum on the basic principles  
23 of the Chinese Eastern Railway sale submitted by the  
24 Soviet delegation at the conference of July 3, 1933,  
25

(H-77. b. Ex. 3851-A, T. 38228.  
H-78. a. Ex. 2288, T. 17290.)

shows that the railway was a powerful economic combine including more than 2500 kilometers of railway lines and a number of independent services, among which there was a river fleet, a port in Harbin, considerable civilian constructions occupying an area of over 1,100,000 square meters, power stations, sawing mills, etc.<sup>a.</sup>

H-80. Even before the occupation of Manchuria, the Japanese militarists took particular interest in the Chinese Eastern Railway while planning aggression against the U.S.S.R. In the plan of "subversive activities against Russia" compiled by KANDA the following task was set: "To get rid of all members of the Soviet managing staff from the Chinese Eastern Railway, thereby repulsing all red influence from North Manchuria."<sup>a.</sup> For this purpose a number of measures was contemplated, in particular the use of white emigrants and Hunghutze gangs for the destruction of the railways.

H-81. After the occupation of Manchuria, the subversive activities of the Japanese imperialists on the Chinese Eastern Railway became greatly intensified and made normal functioning of the railway quite impossible. Besides the various provocations created an obvious threat to peace in the Far East. That compelled the Soviet Union to raise the question of the sale of

(H-79. a. Ex. 3651, T. 38250.  
H-80. a. Ex. 698, T. 7618.)



the Chinese Eastern Railway. The declaration of the  
1 People's Commissar for Foreign Affairs of May 2, 1933,  
2 together with the indication that the Soviet government  
3 was willing "to enter into negotiations with Japan con-  
4 cerning the sale of the railway," states as follows:

5 "We have received some authentic and quite re-  
6 liable documents which show the role of Japanese offic-  
7 als and instigations of the Manchurian authorities to  
8 commit acts of violence against the U.S.S.R. which may  
9 lead to quite serious complications between the U.S.S.R.  
10 on the one hand and Manchukuo and Japan on the other.  
11 In particular according to these documents Mr. MORISHIMA,  
12 the Japanese consul-general in Harbin, recommended such  
13 provocative measures as the arrests of top Soviet  
14 representatives on the Chinese Eastern Railway."<sup>a.</sup>

15 This statement was preceded by a verbal note of the  
16 Deputy Foreign Commissar of April 16, 1933, on the situ-  
17 ation at the Chinese Eastern Railway, in which it was  
18 stated: "The Eastern branch of the Chinese Eastern Rail-  
19 way is at present completely disorganized as a result of  
20 systematic attacks . . . lootings, murders and kidnapping  
21 of Soviet citizens employed by the Chinese Eastern Rail-  
22 way . . . mass arrests of Soviet citizens, many of whom  
23 are kept more than a year without being tried under  
24  
25 (H-81. a. Ex. 3649, T. 35963.)

extremely difficult conditions and are subjected to  
1 tortures inflicted directly by the Japanese gendarmes  
2 and the Japanese nationals employed by Manchukuo." b.

3 H-82. During the time of the negotiations con-  
4 cerning the sale of the railway there was an intensifi-  
5 cation of subversive activities on the Chinese Eastern  
6 Railway for the purpose of compelling the Soviet Union  
7 to make the greatest concessions. KITA, Seichi, a  
8 former general in the Japanese Army who in 1933 was Chief  
9 of the Intelligence Section of the Kwantung Army, states  
10 as follows:  
11

12 "At the same time in 1933 Japan began to take  
13 measures to expel from Manchuria the influence of Soviet  
14 Russia which at that time confined itself to the manage-  
15 ment of the Chinese Eastern Railway. With this object  
16 in view, the Japanese put various kinds of pressure upon  
17 the railway and its employees. These machinations were  
18 chiefly made by the head of military Special Service in  
19 Harbin, Major General KOMATSUBARA, the representative of  
20 the South Manchuria Railway Company in Harbin, Director  
21 USAMI and other agents. They were all under the direc-  
22 tion of Colonel HARADA, chief of the third section of  
23 headquarters . . . I cannot flatly deny the fact that  
24 Japan utilized some bandits to disturb the railway  
25  
(H-81. b. Ex. 3648, T. 35961.)

1 administration as well as to bring pressure to bear  
2 upon its employees." a.

3 H-83. The Japanese authorities seized the  
4 housing funds of the railway. The letter of the vice-  
5 president of the Chinese Eastern Railway Board of  
6 December 15, 1934, shows that during the period 1931-  
7 1934 the Japanese-Manchurian authorities had unlawfully  
8 seized upon 99,592 square meters of housing space. a. Had  
9 the Tribunal desired, the prosecution would have pre-  
10 sented an additional number of documents at our disposal  
11 characterizing the subversive activities of the Japanese  
12 imperialists on the Chinese Eastern Railway -- various  
13 outrages and acts of violence, sabotage, numerous un-  
14 lawful arrests of Soviet citizens employed by the Rail-  
15 way, tortures and mistreatment of them, etc. In view of  
16 the situation created by the Japanese imperialists and  
17 prompted by the desire to maintain peace in the Far East,  
18 the Soviet Union agreed to sell the Chinese Eastern  
19 Railway for 140 million yen, whereas its actual price  
20 was 250 million gold rubles or 600 million yen. Thus  
21 the railway was sold at 4-5 times below its actual  
22 price. b.

23  
24  
25 (H-82. a. Ex. 835, T. 8127.  
H-83. a. Ex. 749, T. 7742.  
b. Ex. 443, T. 5042.)



## C. SYSTEMATIC VIOLATIONS OF THE SOVIET BORDER

1 H-84. The border between the so-called Man-  
2 chukuo and the Soviet Union since the time of the  
3 seizure of Manchuria by the Japanese was a scene of in-  
4 cessant developments and clashes provoked by the Japa-  
5 nese. In 1931 the wave of Japanese aggression was  
6 brought to a halt at this border line. The more the  
7 transformation of Manchuria into a military base for an  
8 attack against the Soviet Union progressed, the greater  
9 became the number of border incidents. They reached  
10 their highest point at the period of time which the  
11 Japanese military clique considered to be the moment for  
12 an immediate invasion of the Soviet Union. This may be  
13 learned from a certificate of the Administration of the  
14 frontier guard troops of the Ministry of Home Affairs  
15 of the U.S.S.R., which shows the border violations  
16 between 1932-1945.<sup>a</sup> It is sufficient to compare the  
17 figures stated in that document for 1933, when ten spies  
18 were sent across the frontier, with those for 1938, when  
19 in the course of a year 1754 Japanese agents were sent  
20 across the frontier. In the same year the Soviet  
21 frontier was violated by Japanese army men in 124 cases,  
22 by Japanese planes who flew across the border in 40  
23 cases, and the territorial waters of the U.S.S.R. were  
24 (H-84. a. Ex. 750, T. 7744.)  
25

violated by Japanese ships in 210 cases. During the period between 1941-43 the number of all kinds of violations of the Soviet frontier was steadily increasing from year to year. An objective description of the situation as it was daily created at the Soviet-Manchurian border may be found in the testimony of Lieutenant Colonel Tereshkin, former commander of a frontier guard outpost: "There were daily provocations on the part of the Japanese-Manchurian troops almost daily; very often frontier guards were killed and those citizens who worked in the fields could not feel safe . . . worked under the defense of frontier guards." <sup>b.</sup>

d. Subversive Activities of the Last Period.

H-85. The record of the conversation between the accused OSHIMA and Himmler, held on January 31, 1939, presented to this Tribunal, is impressive evidence of the specific subversive activities which were carried on by the Japanese imperialists against the Soviet Union in the last period of time. This document shows that OSHIMA was actively engaged in underground activities directed against the U.S.S.R. and sent terrorists to the Soviet Union with a task to commit terrorist acts against the leaders of the Soviet state. <sup>a.</sup>

H-86. In February, 1940, in Harbin a conference

(H-84. b. T. 7771.  
H-85. a. Ex. 489, T. 6026.)

of chiefs of Japanese special service organs was held.

1 In one of the documents of the conference, "Revision of  
2 the anti-Soviet sabotage activities and of guidance of  
3 White Russians in keeping with the revisions," it was  
4 pointed out that this was being done "to make this more  
5 effective in the future."<sup>a.</sup> In the document, measures  
6 on the guidance of the white emigrants were outlined,  
7 in particular the preparation of personnel for the ad-  
8 ministration of the Soviet territory, which the military  
9 clique of Japan contemplated occupying. I draw your  
10 attention to the fact that the guidance of the confer-  
11 ence was effected by the chief of the Harbin Special  
12 Service Organ who was directly subordinate to UMEZU,  
13 commander-in-chief of the Kwantung Army. In a top  
14 secret document of the Harbin Special Service Organ: a  
15 "plan for carrying out the training of White Russian  
16 youths in the special immigration settlements," pertain-  
17 ing to the same period, it was pointed out that expenses  
18 for the training in military affairs and subversive  
19 activities were covered out of sums appropriated in  
20 compliance with the Japanese state budget.<sup>b.</sup> In items  
21 3, 4, 6, and 10 of this document a detachment "Asano" is  
22 mentioned, a detachment of white guard saboteurs.  
23  
24

25 H-87. After the Neutrality Pact had been

(H-86. a. Ex. 736-A, T. 7662.  
b. Ex. 739, T. 7665.)



1 concluded with the Soviet Union in April, 1941, the  
2 subversive activities of the Japanese militarists against  
3 the U.S.S.R. not only did not stop, but were intensified.  
4 In the outline of the speech made by the Chief of Staff  
5 of the Kwantung Army at the conference of formation  
6 commanders at the end of April, 1941, great attention  
7 was paid to that problem and a warning made that special  
8 measures of precaution be taken "in order to prevent the  
9 nullification of the political effect of this Pact."<sup>a.</sup>  
10  
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(H-87. a. Ex. 3701, T. 36911.)

1           H-88. In June 1943, in Harbin a conference  
2 of the Information Department of the Kwantung Army  
3 (formerly called the Harbin Special Service Organ)  
4 was held. The documents of the conference show<sup>a.</sup>  
5 that in 1943 as well, regardless of the neutrality  
6 pact with the USSR, the Japanese military clique was  
7 carrying on subversive activities against the USSR.  
8 It is characteristic that it was under UMEZU that  
9 first of all the principle of voluntary recruitment of  
10 saboteurs was abandoned, and secondly, the recruiting  
11 of women on the same large scale as men was started.  
12 "The directions in relation to the guidance of the  
13 "White Russians" say:

14           "Whether they are men or women or whether  
15 they wish it or not, the "White Russians shall be used  
16 powerfully and to the maximum degree for the war with  
17 the Soviet Union, especially for the secret war with  
18 the Soviet Union."<sup>b.</sup>

19 In another document of the conference the ultimate  
20 aims of the subversive activities in the Mongolian  
21 People's Republic are pointed out. Among those are:  
22 (1) Numerous mutinies and uprisings; (2) The estab-  
23 lishment of an autonomous government under the guidance

24 H-88. a. Ex. 737, T. 7664; Ex. 738, T. 7664; Ex. 740,  
25           T. 7667.  
          b. Ex. 738, T. 7664

1 of the Japanese Army; and (3) War against Russia.<sup>c.</sup>

2 H-89. The Soviet Government repeatedly pro-  
3 tested against numerous outrageous actions of the  
4 Japanese military authorities which were directed  
5 against the Soviet Union and also pointed out that  
6 Japan systematically violated the Peiping convention.  
7 Nevertheless, the Japanese authorities continued to  
8 carry out their subversive activities against the  
9 Soviet Union. What evidence could the Defense submit  
10 to refute the above-stated indisputable evidence of the  
11 Prosecution? The Defense did not present a single  
12 document concerning the subversive activities.

13 H-90. During the cross-examination of the  
14 witness KASAHARA, the Defense tried to misinterpret  
15 the substance and the purpose of a number of the  
16 Prosecution documents which were written by the wit-  
17 ness or were known to him. Answering the questions  
18 put by the Defense counsel, KASAHARA tried to interpret  
19 KANLA's report as an unofficial study which was sent  
20 to him, KASAHARA, as to a private person. KASAHARA  
21 also alleged that he had received only the first three  
22 parts of the document and that he had not received  
23 the last three parts. After the Prosecution had  
24

25 H-88. c. Ex. 740, T. 7667



1 found, the whereabouts of KANDA, Masatane, and had  
2 interrogated him, the falsity of the contentions made  
3 by the witness KASAFARA was fully shown. It turned  
4 out that KANDA, an officer of the General Staff, on  
5 the recommendation of that staff was sent in 1925 to  
6 the Farbir Special Service Organization not only to  
7 collect information on the Soviet Union but also to  
8 work out subversive measures against the USSR. It  
9 also turned out that at the end of 1927 KANDA,  
10 through official channels, had sent all six parts of  
11 his report<sup>a.</sup> to KASAHARA, not as to a private person,  
12 but as to the Chief of the Russian Section of the  
13 General Staff. The report was also sent by him to the  
14 Kwantung Army Staff.<sup>b.</sup> That is how matters stand with  
15 regard to this important document, the value of which  
16 only increases because of the clumsy attempts made by  
17 the Defense to belittle it.

18 H-91. In his affidavit, the accused MATSUI  
19 makes an attempt to change to a certain degree his  
20 original testimony given to the Prosecution<sup>a.</sup> concern-  
21 ing the part he took in the conference of the Japanese  
22 Military Attaches held in Berlin in 1929. According  
23 to what he says, MATSUI, beginning from December 1928,  
24

25 H-90. a. Ex. 698, T. 7618

b. Ex. 3852, T. 38237

H-91. a. Ex. 733A, T. 7643

1 was relieved of his duties as Chief of the Second  
2 Section of the General Staff, was promoted to the rank  
3 of a lieutenant-general and his status was that of an  
4 officer attached to the General Staff. In January  
5 1929 he went on a tour of inspection abroad. Did he  
6 cease to be during this tour a representative of the  
7 General Staff? Certainly not. During this tour  
8 MATSUI met in Berlin with all Japanese military  
9 attaches in various European countries, as he states  
10 in his affidavit, only for the purpose of having a  
11 meeting of a social nature with them. "What problems  
12 were discussed during that "meeting of a social  
13 nature?" MATSUI could not bring himself to deny that  
14 at that meeting in Berlin methods of subversive activi-  
15 ties planned to be carried out during a war against  
16 Russia had been discussed. Does this version as to  
17 the "meeting of a social nature" conceived by the  
18 Defense change anything in the nature of the problem?  
19 No, it changes nothing. It would be silly to think  
20 that military attaches from various countries came to  
21 one place to have a mere social talk. To confirm  
22 Prosecution evidence, one may also add that the  
23 accused HASHIMOTO, during his cross-examination, ad-  
24 H-91. b. Ex. 732A, T. 7658; Ex. 733A, T. 7643.  
25

mitted that the invitation to the conference of the  
 1 military attaches in April 1929 in Berlin was received  
 2 by him from the Japanese military attache in Berlin,  
 3 that the Japanese military attaches to Great Britain,  
 4 Germany, France, Austria, Poland, Turkey and Italy were  
 5 present at the conference, that MATSUI addressed the  
 6 conference and that the problem of subversive activi-  
 7 ties against the USSR was discussed at the conference. c.

8        H-92. Attempting to refute the charges with  
 9 regard to the Chinese Eastern Railroad, the Defense  
 10 contend that "nothing connected with the negotiations  
 11 for the sale, which will be shown in detail, even  
 12 intimates any pressure by Japan in the negotiations." a.  
 13 The Defense tendered "Final Protocol Between USSR and  
 14 Manchukuo" dated March 23, 1935, concerning the sale  
 15 of the Chinese Eastern Railway, b. the testimony of  
 16 KAMEYAMA, Kazuichi, former official of the Japanese  
 17 Foreign Ministry, c. telegrams from the People's  
 18 Commissar for Foreign Affairs of the USSR and HIROTA  
 19 concerning the conclusion of the agreement with regard  
 20 to the Chinese Eastern Railway, d. "Statement to Japan-  
 21 ese Correspondents" made by the People's Commissar for  
 22 Foreign Affairs of the USSR, and "Reply of the Soviet  
 23

24 H-91. c. T. 28839-40, T. 28799      d. Ex. 3251, T. 29612  
 25 H-92. c. T. 29347  
       b. Ex. 2428, T. 19702  
       c. Ex. 3234, T. 29426



1 Delegate at the First Conference of the USSR, Japan, and  
 2 Manchukuo on the sale of the Chinese Eastern Railroad."<sup>e.</sup>  
 3 Using these documents for their own purpose the De-  
 4 fense hushes down the reasons which forced the USSR  
 5 to sell the railroad at an absurdly low price, though  
 6 even the documents presented by the Defense directly  
 7 show that after the seizure of Manchuria by Japan the  
 8 Chinese Eastern Railroad became an object of sub-  
 9 versive activities on the part of the Japanese and  
 10 that was precisely why the USSR agreed to sell the  
 11 railroad. It is sufficient to read "Statement to the  
 12 Japanese Correspondents" made by the People's Commis-  
 13 sar for Foreign Affairs of the USSR.<sup>f.</sup>

14 H-93. In reply to the Prosecution's evidence  
 15 on systematic violations of the Soviet border by Japan  
 16 the Defense tendered three reports of the Japanese  
 17 Foreign Ministry on the alleged violations of the  
 18 border by the Soviet side.<sup>a.</sup> We do not touch upon the  
 19 question of reliability of these documents, in which  
 20 even such occurrences as the attack of the Japanese  
 21 forces against border guard patrols in the Lake Khanka  
 22 area.<sup>b.</sup> are considered to be "violations of the border  
 23 by the Soviets", and in which cases of detention by  
 24

25 H-92. e. Ex. 3235A, T. 29435

f. Ex. 3235A, T. 29435

H-93. a. Ex. 2685-A, T. 23478; Ex. 2686-A, T. 23479;

b. Ex. 2687-A, T. 23483  
 b. Ex. 751, T. 7750

1 the Japanese of Soviet lumber rafted along the border  
2 rivers are included in the category of "incidents."  
3 But even if we believe these data, when we compare it  
4 with our information <sup>c.</sup> the picture is far from being  
5 favorable for the defense. The report for the period  
6 from 1938 to 1941 introduced by the Defense says that:  
7 "... the frontiers between Manchukuo and the Soviet Union  
8 (including those between Manchukuo and Mongolia) were  
9 calm..." <sup>d.</sup> As far as the Soviet side was concerned  
10 everything was actually calm, but the Japanese side  
11 preferred to be modestly silent about the troublesome  
12 activities of their own agents.

13 H-94. The accused OSHIMA attempted to refute  
14 the record of his talk with Himmler which took place  
15 on January 31, 1939. The unfounded statement made by  
16 OSHIMA to the effect that he supposed that Himmler or  
17 his subordinates had drawn up this document "in order  
18 to use it for some internal purpose" is absolutely un-  
19 convincing. <sup>a.</sup> Confronted with facts, OSHIMA was forced  
20 to admit that under the instructions of the Chief of  
21 the General Staff, he, in his capacity as military  
22 attache in Berlin, had studied the problem of using  
23 the "White Russian emigrants for espionage and counter-  
24

25 H-93. c. Ex. 750, T. 7744

d. T. 23479

H-94. a. Ex. 3508, T. 33997

1 intelligence activities and also for subversive propa-  
 2 ganda in case of a war against Russia, and that agree-  
 3 ments to cooperate with regard to these problems were  
 4 concluded by the Japanese and the German Armies. <sup>b.</sup>

5 All these facts confirm the truth of the contents of  
 6 the record of the talk which took place on January 31,  
 7 1939. Besides, the contents of the talk fully corres-  
 8 ponded to the relations which existed at that time  
 9 between OSHIMA and Hummler and which were character-  
 10 ized by the witness KATABE in the following way: "Yes,  
 11 they were friendly and I believe they met quite often,  
 12 although perhaps not in an official capacity." <sup>c.</sup>

13 H-95. "With regard to the documents relating  
 14 to the conference of the Kwantung Army Intelligence  
 15 Department held in 1943 <sup>a.</sup> the defense witness KASAHARA  
 16 made an unfounded contention to the effect that alleged-  
 17 ly he personally ordered to change them or make some  
 18 additions to them because these documents were at  
 19 variance with the policy adopted by the Kwantung Army  
 20 Commanding General. This contention deserves no credit.  
 21 The following is said in the instructions pertaining  
 22 to sabotage activities, education and training:

23 "This direction is based on the Kwantung Army Headquarters  
 24

25 H-94. b. Ex. 3508, T. 33992

c. T. 33771.

H-95. a. Ex. 737, T. 7664; Ex. 738, T. 7664;

Ex. 740, T. 7667.



Educational directions of the 18th year of Showa  
 (1943) for the special corps with consideration of the  
 results obtained from the previous trainings." <sup>b.</sup> Thus,  
 this directive corresponded to the basic principles  
 adopted by the Kwantung Army headquarters, and the  
 Chief of Staff had no reasons to change it. The Kwan-  
 tung Army Staff carried out the directives of the  
 General Staff, and the line of policy adopted by the  
 latter is shown in the Memorandum dated July 6, 1941,  
 written by the Chief of the Counter Intelligence Sec-  
 tion 2 of the High Command of the German Armed Forces  
 concerning the statement made to him by the Japanese  
 representative OKAMOTO:

"The Japanese General Staff has commissioned  
 him (i. e., Colonel OKAMOTO) to communicate to us  
 (i. e. high command of the German Armed Forces) that  
 the Japanese General Staff is ready to carry out sabo-  
 tage attacks against Soviet Russia in the Far East,  
 especially from Mongolia and Manchukuo and, primarily  
 against the area adjoining Lake Baikal." <sup>c.</sup>

5. The Undeclared Aggressive War of Japan ,  
Against the USSR in the Lake Khasan Area (1938).

H-96. In 1938 the Japanese imperialists made

H-95. b. Ex. 737, T. 7664  
 c. Ex. 798, T. 7965

an open attack against the USSR in the Lake Khasan area at the junction of the borders between the USSR, Korea and Manchuria for the purpose of encircling Vladivostok. They chose the Zaozernaya Hill (Chankufeng) on the western bank of Lake Khasan as an immediate objective of the attack. The defense witness Major-General TANAKA, Ryuikichi, speaking about the Zaozernaya Hill confirmed that: "It is a very important military strategic point... The important border railway... is directly beneath the hill."<sup>a.</sup> "At the observation post, where I was, on a clear day, I was able to see Vladivostok."<sup>b.</sup> The Japanese military gradually and secretly were preparing the sector of the border (Hunchun area) for the purpose of using it as a springboard for an attack against the Soviet Union. Even from as early as 1938 the Chief of Staff of the Korean Army reported to the Vice Minister of War on the results of: "... the detachment search for materials for tactics in the Khunchun and South Ussuri areas, especially in the area of the Soviet-Menchukuo frontier, in consideration of the time of our hostilities against Soviet Russia."<sup>c.</sup> In November 1936, the Japanese armed forces attacked a sector of the border in the Lake Khasan area near the Zaozernaya hill.

H-96. a. T. 22757  
b. T. 22748

c. Ex. 752-A, T. 7753

This attack was repulsed by the Soviet Army. <sup>d.</sup>

1  
2 F-97. Starting their aggressive actions  
3 against the Soviet Union in 1938 in the Lake Khasan area  
4 Japanese militarists knew that they were consciously  
5 and deliberately committing a violation of the es-  
6 tablished state borderline. This sector of the border  
7 is precisely delimited by the protocol "On the precise  
8 delimitation of the first sector of the border be-  
9 tween the two states," concluded by Russia and China  
10 in 1886, and by the detailed map attached to it. It  
11 bears the signatures and seals of the Russian and  
12 Chinese representatives. The following is said in the  
13 Protocol: "From letter T the border is running to the  
14 Northwest, following the line of the mountains, west  
15 side of the Lake Hassan (Khasan)."<sup>a.</sup> The map attached  
16 to the protocol clearly shows that the border runs on  
17 the crest of the Zaozernaya and Bezymyannaya hills  
18 which are on the western side of Lake Khasan, and  
19 thus the territory between the western bank of the  
20 lake and the crests of these hills belongs to the  
21 Soviet Union. On the spot there were no doubts what-  
22 soever as to where the border-line ran. Major-General  
23 Grebennik, former commanding officer of the Posiet  
24

25 H-96. d. Ex. 751, T. 7750  
F-97. a. Ex. 753, T. 7755.



borderguard detachment, testified as follows:

1            "To determine the border on the terrain in  
2            that area is no problem, and our borderguards knew  
3            precisely where the border ran. Both before and after  
4            the fighting in the vicinity of Lake Khassan this  
5            borderline was in full conformity with the data as  
6            shown on the map attached to the Hunchun Protocol of  
7            1886."<sup>b.</sup>

8            H-98. Commencing the hostilities in the Lake  
9            Khesan area the Japanese imperialists could not but  
10           know about the Hunchun protocol and the map attached  
11           thereto. UGAKI, former Japanese Foreign Minister,  
12           with whose help the defense planned to prove that the  
13           map attached to the Hunchun protocol was not at the  
14           disposal of the Japanese Foreign Ministry, contrary to  
15           the expectations of the Defense stated that: "Of  
16           course, I suppose we did have such a map."<sup>e.</sup> "After  
17           the outbreak of the incident I am sure I must have  
18           seen that map."<sup>b.</sup> Besides, the Diary of the People's  
19           Commissar for Foreign Affairs of the USSR shows that  
20           when on July 15, 1938, the Japanese charge' d'affair  
21           NISHI came to the People's Commissariat for Foreign  
22           Affairs of the USSR and demanded that the Soviet  
23           Affairs of the USSR and demanded that the Soviet

24           H-97. b. Ex. 3854, T. 38300

25           H-98. a. T. 23902

                 b. T. 23903

1 troops be withdrawn from the western bank of Lake Khasan,  
2 he, i. e., NISHI, was shown the following documents:  
3 "... quite official documents, i. e., the Khunchun  
4 (hunchun) Agreement and the maps attached to it. The  
5 frontier on those maps is defined quite clearly..."<sup>c.</sup>  
6 The official communique of the Japanese Foreign  
7 Ministry also shows that the Soviet representative  
8 submitted this map to NISHI on July 15.<sup>d.</sup> Thus, the  
9 Japanese diplomats making the demand that the terri-  
10 tory between the western bank of Lake Khasan and the  
11 crest of the hills be cleared knew very well that  
12 this territory belonged to the Soviet Union.

13 THE PRESIDENT: "We will recess for fifteen  
14 minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1500, after which the proceed-  
17 ings were resumed as follows:)  
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23 H-98. c. Ex. 754, T. 7759  
24 d. Ex. 2647-A, T. 22922  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: General Vasiliev.

4 GENERAL VASILIEV: H-99. The sector of the  
5 border near Lake Khasan was guarded from the Soviet  
6 side only by the usual border guard posts, and there  
7 were no regular Red Army forces in that area. This  
8 is confirmed by a number of documents admitted in  
9 evidence. Lieutenant-Colonel Tereshkin, former  
10 commanding officer of a border guard outpost testified  
11 as follows: "Until August 1938 I had never seen  
12 Japanese frontier guards on the Zaozernaya Hill. It  
13 was the Soviet border guards that discharged their  
14 duties on the Zaozernaya Hill . . . permanently dis-  
15 charged their duties . . ."a. Identical testimony  
16 was given by the other witness, Major Batarshin.<sup>b.</sup>  
17 Beginning from the first days of July 1938, the  
18 Japanese military began to concentrate considerable  
19 infantry forces, strengthened by artillery in the  
20 Zaozernaya Hill area. With regard to this Lieutenant-  
21 Colonel Tereshkin testified as follows:

22 ". . . beginning from July 6 until the end  
23 of the month, in the areas of villages of Khamoku and  
24 Dingasheli . . . came or were brought Japanese field  
25

H-99.

a. T. 7773.

b. T. 32082.



1 troops with artillery . . . artillery, heavy machine  
2 guns, light machine guns. They dug trenches and pre-  
3 pared positions for the artillery."<sup>c</sup>.

4 The witness Chernopyatko said the following:

5 "Sometime before the 29th of July 1938 for  
6 two weeks the Japanese troops were seen from the hill  
7 Zaozernaya to be concentrating in this area, occupying  
8 the commanding hills where the artillery was being  
9 mounted and other fire nests were being built."<sup>d</sup>.

10 Similar testimony was given by Major-General  
11 Grebennik, former commanding officer of the Posiet  
12 border guard detachment:

13 "On July 26 I together with a group of  
14 officers went to the sector of the Zaozernaya outpost  
15 in order to observe on the spot what was happening.  
16 Since about July 26 or 27 I personally saw the Japan-  
17 ese troops crossing on boats to the eastern bank of  
18 the Tumen-Ula River and massing in the area west of  
19 the Zaozernaya Hill. As the result of the observation  
20 of our outposts of the actions of the Japanese it was  
21 estimated that more than 3800 men had crossed the  
22 river in three days during daytime. We were unable to  
23 see what these Japanese troops were doing, as they

24 H-99.

c. T. 7775.

d. Ex. 755, T. 7808.

were hiding behind natural rises."<sup>e</sup>.

1           The Red Army General Staff Journal of Battle  
2 Actions with regard to the events in the Lake Khasan  
3 area contains a number of entries concerning the  
4 observed increase of the forces and the violation of  
5 the border by the Japanese in different places during  
6 the whole of July.<sup>f</sup> The population of the neighboring  
7 villages of Hamoka and Dingasheli was driven out.<sup>g</sup>  
8 TANAKA, Ryukichi, who during the hostilities in the  
9 Lake Khasan area was commanding officer of an artillery  
10 regiment testified that his unit arrived: "... at  
11 the scene of the incident about the 15th of July about  
12 two weeks prior to July 29."<sup>h</sup>.

14           H-100. The first attack of the Japanese  
15 troops against the Bezmyannaya Hill (Shanghsiaofeng)  
16 occurred on July 29, 1938, in the daytime. Having  
17 violated the border, the Japanese forces, superior in  
18 number, attacked the Bezmyannaya Hill and annihilated  
19 the Soviet border guard post eleven men strong which  
20 was there. However, the border guard supports which  
21 arrived soon repulsed the Japanese detachment back on  
22

23 H-99.

24       e. Ex. 3854, T. 38293-4.

25       f. Ex. 757, T. 7813.

      g. Ex. 755, T. 7808; Ex. 756, T. 7811.

      h. Ex. 2628, T. 22715.

1 to Manchurian territory.<sup>a</sup> On the night of July 30-31  
2 the Japanese troops renewed the attack, having chosen  
3 the Zaozernaya Hill (Changkufeng) as the object of the  
4 attack. In this case, the attack was conducted by an  
5 infantry regiment of the Japanese army. This circum-  
6 stance was admitted by the defense witness TANAKA,  
7 Ryukichi, who testified that: "... an attack by  
8 one infantry regiment on Changkufeng was undertaken  
9 by the Japanese Army."<sup>b</sup> The witness Tereshkin  
10 testified as follows:

11 "The Japanese started their attack on the  
12 night of July 30, two battalions in strength; from  
13 the Soviet side only frontier guard troops partici-  
14 pated in the battle. No artillery took part in the  
15 battle from the Soviet side, while the Japanese used  
16 their artillery already on the night of the 30th of  
17 July."

18 "... the Soviet field units entered into  
19 battle only after the Japanese had occupied a part  
20 of Soviet territory."<sup>c</sup>

21 Identical testimony was given by other  
22 participants of the fighting -- by the witness  
23 Chernopyatko, who was the first to discover that the  
24 H-100.

25 a. Ex. 755, T. 7808; Ex. 756, T. 7811.

b. T. 22745.

c. T. 7781.



Japanese outflanked the Zaozernaya Hill,<sup>d.</sup> and by  
 1 Major Batarshin, who had been in the area of the  
 2 fighting from the very beginning of the fighting till  
 3 the end.<sup>e.</sup> Thus, the fact that the Japanese troops  
 4 made an unprovoked attack is beyond any doubt.

5 H-101. The report of the Chief of the  
 6 Borderguard Corps of the USSR Home Ministry shows  
 7 the course of the hostilities in the Lake Khasan  
 8 area. The following words conclude the report: "As  
 9 a result of putting into action of the Red Army  
 10 troops on August 11, 1938, the Japanese were routed  
 11 and the USSR territory was liberated. The state  
 12 border in this sector has been guarded and is being  
 13 guarded by border troops in accordance with the proto-  
 14 col of 1886."<sup>a.</sup> In conformity with the agreement  
 15 concluded between the People's Commissar for Foreign  
 16 Affairs of the USSR and SHIGEMITSU, Japanese Ambassador  
 17 in Moscow, on August 10, 1938, the Soviet and the  
 18 Japanese troops ceased the hostilities on August 11,  
 19 1938, and remained on the positions they held.<sup>b.</sup> From  
 20 the above-quoted report of the Borderguard Corps

21 H-100.

22 d. Ex. 755, T. 7808.  
 23 e. Ex. 756, T. 7811.

24 H-101.

25 a. Ex. 753, T. 7755.  
 b. Ex. 273, T. 3686; Ex. 2640, T. 22876;  
 Ex. 2641, T. 22877.

1 Department of the USSR Home Ministry it is seen that  
2 the positions held by the Soviet troops by the time  
3 of the cessation of the hostilities precisely corres-  
4 ponded to the borderline established by the Hunchun  
5 Protocol of 1886. The same is stated in the testimony  
6 of Major-General Grebennik: "After the defeat of the  
7 Japanese 19th Infantry Division the Japanese made no  
8 claims as to the withdrawal of our troops from the  
9 Zaozernaya Hill. The border was restored and is now  
10 being guarded just as it was prior to the outbreak of  
11 hostilities. It runs as provided by the Hunchun  
12 Protocol of 1886 along the watershed, i.e., along the  
13 hilltops which form a mountain range on the western  
14 bank of Lake Khasan. The eastern slope of the Zaozer-  
15 naya Hill belongs to the Soviet Union while the  
16 western slope is Manchurian."<sup>c</sup>. Thus the Soviet  
17 forces, which routed the Japanese units in the  
18 Khasan Lake area, confined their actions to the  
19 reestablishment of the state border line and the  
20 Japanese Government agreed to this reestablishment  
21 having thus admitted that they themselves were in the  
22 wrong.

23  
24 H-102. The evidence offered by the defense

25 H-101.

c. Ex. 3854, T. 38,297-9.

1 could in no way change or alter the charges pertaining  
2 to this issue. The greater part of the defense  
3 evidence consists of groundless assertions made by  
4 the witnesses in bad faith. These witnesses them-  
5 selves should be in the dock, as persons responsible  
6 for the aggression of Japan in the Lake Khasan area.  
7 The documents introduced by the defense are few in  
8 number and as a rule have been taken from biased  
9 sources (the Japanese Foreign Ministry). Thus, the  
10 defense offered "Official Report on the Changkufeng  
11 Incident" drawn up by the European-Asiatic Bureau  
12 of the Foreign Ministry.<sup>a</sup> The question whether this  
13 statement is objective can be decided on the basis  
14 of the following example. In the course of the hearings,  
15 it was clearly established that the Zaozernaya Hill  
16 as well as the Bezymyannaya Hill had been constantly  
17 guarded by the Soviet border guards. The following  
18 is stated in the testimony of Major-General Grebennik,  
19 former commanding officer of the Posiet border guard  
20 detachment: "The eastern slopes of the Zaozernaya  
21 Hill and the Bezymyannaya Hill (west of Lake Khasan)  
22 had always been guarded by the Soviet border guard  
23 forces. Prior to July 1938 there were no Japanese  
24  
25. H-102.

a. Ex. 2647A, T. 22922.



border guards on the western slope of the Zaozernaya Hill."<sup>b</sup> The witness Batarshin, who was serving at the sector of the border near Lake Khasan since 1936, testified with regard to the border guard posts on the Zaozernaya and Bezymyannaya Hills as follows:

"I know that these outposts were guarded prior to my arrival in the Posiet Detachment . . . border detachment and therefore during my tenure with the Posiet Detachment, I was at these outposts several times and guarded the state border in that area."<sup>c</sup> The witness

Chernopyatko also testified on this matter as follows:

"When I was in that area in 1937 that post had already been established there, and the veteran border guards told me that that post had been established a long time ago, and they did not know exactly when."<sup>d</sup>

Identical testimony was given by Lieutenant-Colonel Tereshkin, former commanding officer of a border guard outpost.<sup>e</sup> In open contradiction with these facts,

established beyond any doubt, the report of the Bureau of European-Asiatic Affairs contends that the Soviet border guards for the first time appeared on the

Zaozernaya Hill at noon of July 11."<sup>f</sup> Attempting to

H-102.

b. Ex. 3854, T. 38290-1.

c. T. 32136.

d. T. 32193.

e. T. 7781.

f. Ex. 2647A, T. 22922.

belittle the importance of such uncontestable evidence as the Hunchun Protocol of 1886 with a map attached to it, the defense introduced the Chinese text of the protocol without any map and also the Peking Treaty between China and Russia of November 14, 1860, and the Protocol between China and Russia concerning the border east of Hunchun which was signed prior to the Protocol of June 26, 1886. According to the defense counsel Mr. Furness, these documents should "show the vagueness of the border lines."<sup>g</sup> What do they actually show: The Peking Treaty of 1860 says that for the purpose of the delimitation of the border it is necessary to draw up a special map which: "... shall be signed by the Plenipotentiaries of both Empires and their seals shall be affixed thereto in testimony."<sup>h</sup> "The Protocol Between China and Russia Concerning the Border East of Hunchun" states that the border in the Lake Khasan area should be delimited and that the new border marks should be marked by numbers and letters and "... shall be described, one by one, in the sectional maps to make them more detailed than the maps existing hitherto-fore."<sup>i</sup> Thus, both these documents bring us to the H-102.

g. T. 22692.

h. Ex. 2626, T. 22694.

i. Ex. 2627, T. 22698.

Hunchun Protocol of June 26, 1886, and explain that  
1 this Protocol as well as the map attached to it are  
2 important as basic documents which delimit the border  
3 line. We are proving only this, strictly adhering to  
4 the Hunchun Protocol of 1886 which is the last in  
5 time and final document delimiting the border in the  
6 Lake Khasan area. By offering the Chinese text of  
7 the Hunchun Protocol, the defense made an attempt to  
8 prove that "the running course of the border line  
9 between border marks is thereby only very indistinctly  
10 indicated."<sup>j</sup> But in this case as well, the defense  
11 deliberately ignored the fact that on the map which  
12 is attached to the protocol and which is its integral  
13 part the way the border line runs is shown precisely  
14 and in detail, so that there is no place for any  
15 doubt.<sup>k</sup>

17 H-103. The defense contends that the hos-  
18 tilities commenced on the initiative of the Soviet  
19 side, that Japan was taken unawares and that all her  
20 efforts were directed at the peaceful and speedy  
21 settlement of the conflict. This version of the  
22 defense is not new. This version was the subject of  
23 the talk between the People's Commissar for Foreign  
24 H-102.

25 j. T. 22926.  
k. Ex. 2175, T. 15541.



Affairs of the USSR and SHIGEMITSU as early as  
1 July 20, 1938,<sup>a</sup> and again on August 4, 1938,<sup>b</sup> and  
2 we see no need to add anything to the following words  
3 written by the People's Commissar for Foreign Affairs  
4 of the USSR:

5 "The Ambassador declared that the Imperial  
6 Government intended to settle the incident peacefully,  
7 but, unfortunately, the acts of the Japanese military  
8 forces on the spot did not conform with this intention.  
9 It is simply not possible to consider as a peaceful  
10 settlement of the problem the crossing of the Soviet  
11 border with arms and with the use of artillery or the  
12 night attack on a border post. To call such methods  
13 peaceful could only be in irony. The incident itself  
14 occurred as a result of these actions and without  
15 them there would have been no incident at all. We  
16 were not the ones who started the military actions.  
17 We merely replied to such actions on the part of the  
18 Japanese."<sup>c</sup>

19  
20 As a result of the undeclared aggressive war  
21 initiated by the Japanese imperialists in the Lake  
22 Khasan area, the Soviet army suffered some losses.  
23

24 H-103.

- 25 a. Ex. 2633, T. 22803.  
b. Ex. 2635, T. 22825.  
c. Ex. 2635, T. 22825.

1 Based on the principle that aggressive war is unlaw-  
2 ful and therefore cannot justify the killing of members  
3 of the armed forces of the country which was the ob-  
4 ject of the aggression, the perpetrators of the  
5 aggression should be held responsible in accordance  
6 with count 52 of the Indictment.

7 H-104. Endeavoring to prove that the hos-  
8 tilities were commenced by the Soviet forces who  
9 allegedly had violated the border, the defense  
10 called as a witness MIURA, Kazuichi, one of the  
11 Japanese counsel at this trial. The above-mentioned  
12 statement by the Bureau of the European-Asiatic  
13 Affairs was based on the information sent by this  
14 MIURA, who was formerly an official of the Japanese  
15 Foreign Ministry and who on the 20th of July 1938 in  
16 the area of the fighting near Lake Khasan carried out  
17 the task assigned to him in connection with the con-  
18 flict. All the testimony given by MIURA is clumsy  
19 fabrication invented either by himself or on the  
20 basis of the information given to him by the ignorant  
21 Japanese gendarmes or by staff officers. During the  
22 cross-examination of this witness, it turned out that  
23 even if we had believed that he "by chance" could  
24 have had until this time the copies of the telegrams  
25 sent by him to the Foreign Ministry which were

submitted by the witness to the Tribunal, still under  
1 close examination it would be seen that these tele-  
2 grams were based upon information given by a ~~certain~~  
3 "common policeman," TERAQ, Mitsuru, and by a certain  
4 "staff officer" of the Korean Army, Major SAITO, of  
5 whom MIURA knows nothing more and whom MIURA cannot  
6 prove actually ever existed. The chart of the  
7 fighting on the Lake Khasan area allegedly received  
8 by MIURA from SAITO and submitted before the Tribunal  
9 shows better than anything else the extent of the  
10 information which was at the disposal of this  
11 mythical major. The Japanese major happened to show  
12 on this chart "the hotbed of the hostilities" between  
13 the Soviet and the Japanese units as of July 11, 1938,  
14 although it was established before the Court that  
15 prior to July 29 there were no clashes in that area.  
16 For instance the following testimony was given by the  
17 witness Chernopyatko in connection with this issue:  
18 "No fighting clashes were there prior to July 29,  
19 neither in the area of the Bezymyannaya Hill nor in  
20 the area of the Zaozernaya Hill."<sup>a</sup> Major-General  
21 Grebennik testified on that matter as follows: "At  
22 the beginning of July 1938 the Japanese started massing  
23  
24  
25 H-104.  
a. T. 32197.



1 infantry and artillery in the Zaozernaya Hill area.  
2 Japanese troops kept arriving at the area of the  
3 villages of Khamoku and Digasheli. However, prior  
4 to 29 July 1938 there were no armed clashes in the  
5 vicinity of the Zaozernaya and Bezmyannaya Hills.  
6 In particular, there were no military clashes between  
7 the Soviet and Japanese troops on July 11, 1938."b.  
8 Even official Japanese documents do not mention any  
9 clashes between the Japanese and the Soviet forces  
10 in this area prior to July 29. During the hearings  
11 before the Court, MIURA himself admitted that he had  
12 never been in the area of the fighting but had pre-  
13 ferred to study the situation at a department of the  
14 Korean police in the town of Sozan, several kilometers  
15 from the place of events. Of absolutely fabulous  
16 nature is the statement made by the witness to the  
17 effect that from the police department at Sozan he  
18 "saw" a "red flag flying near the top of the hill."  
19 Further he states: "I saw no Japanese or Manchoukuoan  
20 troops on territory claimed by the Soviet under the  
21 map tendered by the prosecution. . . ."c. Simply to  
22 see this territory, even if we do not take into con-  
23 sideration the fact that the police department at  
24

25 H-104.

b. Ex. 3854, T. 38291.

c. Ex. 2642, T. 22896.

Sozan was at a considerable distance from Lake  
1 Khasan, MIURA would have had to have the ability to  
2 see through mountains, for only the eastern slope of  
3 the Zaozernaya Hill belongs to the Soviet Union, and  
4 this slope was fully hidden from MIURA by the western  
5 slope of the hill.  
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H-105. On the 24th of July when MIURA was making his observations only a small border guard post was on the Zaozernaya Hill. It is deemed absolutely inconceivable that the border guards would give themselves away by hoisting a red flag. The witness MIURA apparently mixed up facts and dates. The Tribunal may judge this by comparing MIURA's testimony with the quite reliable testimony of Batarshin, a participant in the Changkufeng events:

"The red flag was hoisted on the Zaozernaya Hill after the unit of the regular Soviet Red Army on August 6 drove the Japanese away from that hill."<sup>a.</sup>

Major-General Grebennik, former commanding officer of the Posiet border guard detachment testified on the matter as follows:

"We tried to avoid giving any, even smallest causes for disputes. No fortification work was done by our border guards on the western slope of the Zaozernaya Hill. On the hill itself there was only an observation post. This post did not hoist a red flag. On the contrary, it was secretly watching the Japanese."<sup>b.</sup>

H-106. The defense alleged that the fighting

H-105.

a. T. 32149

b. Ex. 3854, T. 38294



1 in the Lake Khasan area was a border incident, and not  
2 an undeclared war. This attempt to belittle the  
3 importance of the Changkufeng events should be con-  
4 sidered absolutely groundless. As is known, the term:  
5 "border incident" implies spontaneous outbreak of small-  
6 scale events on the initiative of the local representa-  
7 tives of the state without the knowledge of central  
8 authorities. In this case at least one infantry divi-  
9 sion (the 19th Division of the Korean Army) took part  
10 in the fighting, reinforced by heavy artillery and  
11 by 2000 men who had been sent from the Kwantung Army  
12 which was standing behind this Division. The witness  
13 TANAKA, Ryukichi, testified:

14 "At that time there were extraordinary mobili-  
15 zations of troops. If my memory serves me correctly,  
16 I believe at the end of hostilities the number of  
17 infantry totalled eight thousand and the artillery  
18 about one thousand. In other words, the total number  
19 of troops was around ten thousand . . ."<sup>a.</sup>

20 "Some reinforcements amounting to about 2,000  
21 men were sent by the Kwantung Army . . . They were  
22 under the command of the Korean Army."<sup>b.</sup>

23 According to the testimony of the same witness the  
24

25 H-106.

a. T. 22747

b. Ex. 2628, T. 22718

Japanese artillery fired at the Soviet territory 12,000

1 shells.<sup>c.</sup> The outbreak of hostilities was preceded by  
2 diplomatic preparation continuing for half a month and  
3 aimed at the sounding of the Soviet attitude towards  
4 threat of force. It is also known that by July 25  
5 the Japanese military command had already concentrated  
6 military forces at the border in case of possibility  
7 of a large-scale war. It was not by mere chance that  
8 the defense, having introduced entries from the Diary  
9 of the People's Commissar for Foreign Affairs of the  
10 USSR concerning his talk with SHIGEMITSU on August 7,  
11 1938, and having read a part of them, omitted the  
12 following words of the Foreign Commissar from which  
13 it is clear that the USSR at that time also did not  
14 regard the Lake Khasan events as a border incident:  
15

16 "We think that it is impossible in this case  
17 to talk about a frontier incident, because artillery  
18 was put in operation by the Japanese side at the very  
19 beginning, and a border guard has no artillery. There-  
20 fore, we are dealing with an intention to occupy a  
21 part of Soviet territory by regular troops and to  
22 draw the USSR into a war with Japan."<sup>d.</sup>  
23

24 H-106.

c. T. 22746

25 d. Ex. 2638, T. 22851½

H-107. The defense also propounded an allegation that the cessation of hostilities near the Lake Khasan area after the diplomatic negotiations and the later establishment of peaceful relations excluded criminal responsibility for these actions of persons guilty of them.<sup>a</sup> This allegation has no grounds because in order to absolve of responsibility, a special reference to an amnesty contained in a subsequent diplomatic act should be required. As is known, no such reference has ever been made. Besides, the Changkufeng events are not a separate, isolated fact, but a link in the general system of aggressive actions of the Japanese imperialists against the USSR, and, moreover, a link in the aggression of imperialistic powers against all democratic nations.

H-108. Finally, if the defense wants to consider the question of responsibility dropped because in April 1941 the Neutrality Pact was concluded between Japan and the Soviet Union which seemed to sum up previous relationship between the two countries, then such reason is groundless in view of the above-stated considerations, and also because this Treaty, as it will be shown later, was concluded by Japan with a treacherous purpose, and, therefore, that Treaty

H-107. a. T. 17079; T. 22415



accords neither moral nor legal rights to refer to it.

1 The actions of the Japanese imperialists in the Lake  
2 Khasan area did not develop as planned. That was so  
3 only because of the result of the powerful blow de-  
4 livered by the Soviet Army in reply at the very out-  
5 break of the conflict.

6 6. THE UNDECLARED AGGRESSIVE WAR OF JAPAN  
7 AGAINST THE USSR IN THE NOMONHAN AREA (1939).

8 H-109. In 1939 the Japanese imperialists re-  
9 peated their attack -- this time in a different place,  
10 the area of the Mongolian People's Republic (M.P.R.)  
11 in the vicinity of the Khalkha (Khalkhin-Gol) River  
12 for the purpose of breaking through into Soviet terri-  
13 tory, disrupting the Trans-Siberian railroad and cut-  
14 ting the Soviet Far East from the European part of  
15 the USSR. The Japanese military clique in working out  
16 plans of war against the USSR always paid special  
17 attention to the Mongolian springboard. On March 28,  
18 1936, the accused ITAGAKI, then Chief of Staff of the  
19 Kwantung Army, stated in a conversation with ARITA:  
20

21 "If Outer Mongolia be combined with Japan  
22 and Manchukuo, Soviet territory in the Far East will  
23 fall into a very dangerous condition, and it is pos-  
24 sible that the influence of the Soviet Union in the  
25 Far East might be removed almost without fighting.

1 Therefore, the Army aims to extend Japanese-Manchurian  
2 power into Outer Mongolia by all means at hand ..."<sup>a.</sup>

3 Prior to this, in 1933, ARAKI, in his article: "Japan's  
4 Mission in the Showa Era" wrote:

5 "Japan does not want such an ambiguous area  
6 as Mongolia to exist next to her sphere of influence.  
7 Mongolia by all means should be Mongolia of the  
8 East ... The problem of Mongolia may become a far  
9 greater obstacle to the proclamation of the Imperial  
10 Way than the Manchurian problem. Therefore, it will  
11 be necessary to make it clear at this point, that we  
12 have a resolute determination to crush any country  
13 that turns against the Imperial Way."<sup>b.</sup>

14 On March 12, 1936, the Protocol of Mutual Assistance  
15 was signed between the Soviet Union and the Mongolian  
16 People's Republic.<sup>c.</sup> Thus, in initiating an aggres-  
17 sive war on the territory of the Mongolian People's  
18 Republic, the Japanese imperialistic clique knew  
19 very well that these military operations would be at  
20 the same time operations against the USSR. A number  
21 of tactical tasks which the Japanese military authori-  
22 ties set to themselves in the Nomonhan area are stated  
23 in the report of the Commander of the Soviet Army

24 H-109. a. Ex. 761-A, T. 7830  
25 b. Ex. 760-A, T. 7828  
c. Ex. 214, T. 2713



Group. The strategic importance of the Nomonhan Area  
d.  
1 is characterized by this report as well.

2 H-110. In order to give at least outward  
3 legal grounds for the starting of military operations  
4 the Japanese imperialists laid a claim to the part of  
5 the Mongolian People's Republic territory on the east-  
6 ern bank of the Khalkha River which formed a projection  
7 between the river and the border. They motivated this  
8 claim by the allegation that the border ran not to the  
9 east of the Khalkha River, but on the river itself.  
10 This territory has always belonged to the Mongolian  
11 People's Republic which was a province of China, and  
12 is now a sovereign state. In this memorandum of the  
13 Military Topographic Department of the Soviet Army  
14 General Staff it is pointed out that:  
15

16 "From the day of the formation of the MPR  
17 the outposts of the MPR frontier corps were stationed  
18 along this line. Prior to the outbreak of the inci-  
19 dent this frontier between MPR and Manchuria, east  
20 of the Khalkhin-Gol river had been disputed by nobody,  
21 including the Japanese and Manchurians."<sup>a.</sup>

22 Major Bykov, Commanding Officer of the Soviet  
23 detachment which was the first detachment engaged in  
24 fighting with the Japanese-Manchurian forces that had  
25

H-109. d. Ex. 766, Appendix 8, T. 7845  
H-110. a. Ex. 766, T. 7845



1 invaded the eastern bank of the Khalkhin-Gol River,  
2 testified:

3 "The 7th border-guard outpost guarded the  
4 sector of the state border of the Mongolian People's  
5 Republic east of the Khalkhin-Gol river . . . . the  
6 territory guarded by the outpost was on the eastern  
7 bank of the Khalkhin-Gol river 20-22 kilometers in  
8 depth in the direction of Nomonhan-Burd-Obo east of  
9 the river. The sector of the border guarded by the  
10 outpost ended a few kilometers north of the place  
11 Nomonhan-Burd-Obo. The bulk of the outpost was on the  
12 western bank of the river in the Sumburin-Tsagan-Nur  
13 lake area. The outpost daily sent patrols to and set  
14 posts on the eastern bank of the river." <sup>b.</sup>

15 Identical testimony was also given by Major Pantsungin  
16 Chogdon, Commander of the Mongolian border-guard out-  
17 post in the Khalkha River area. <sup>c.</sup> This border line is  
18 in full conformity with official Chinese and Mongolian  
19 maps as well as with maps published (mostly prior to  
20 1936) by the Japanese organizations which were es-  
21 pecially engaged in matters concerning the border be-  
22 tween Manchuria, and the Mongolian People's Republic.

23 H-111. As prior to the establishment of

24  
25 H-110.

b. Ex. 3857, T. 38362-3  
c. Ex. 3862, T. 38531

1 the Mongolian People's Republic Outer Mongolia was part  
2 of China, the official Chinese maps have special im-  
3 portance for the exact establishment of the border.  
4 A number of such maps was presented to the Tribunal.  
5 All of them show the border between Outer Mongolia  
6 and Manchuria passing not on the Khalkhin River, as  
7 it was alleged by the Japanese-Manchurian side, but to  
8 the east of the river, i.e., in accordance with the  
9 contention of the Soviet-Mongolian side. In particu-  
10 lar, on the map published in 1919 by the China In-  
11 spector-General of Posts in Peking the border is shown  
12 to the east of the Khalkha River.<sup>a.</sup> It is significant  
13 that even on the maps of China published in Japan the  
14 borderline was invariably shown east of the Khalkha  
15 River. Thus, the prosecution presented "the latest  
16 large map of China" published in Osaka in 1932.<sup>b.</sup> The  
17 border-line on this map is shown east of the Khalkha  
18 River. In the same way the border-line is shown on  
19 "the large map of China and Mongolia" published by the  
20 research branch of the Japanese East Asiatic Culture  
21 Association in 1932.<sup>c.</sup>  
22  
23  
24

25 H-111.

- a. Ex. 263, T. 7841
- b. Ex. 3856-A, T. 38352
- c. Ex. 2711, T. 23702

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2 of China, the official Chinese maps have special im-  
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19 "the large map of China and Mongolia" published by the  
20 research branch of the Japanese East Asiatic Culture  
21 Association in 1932.<sup>c.</sup>  
22  
23  
24

25 H-111.

- a. Ex. 763, T. 7841
- b. Ex. 3856-A, T. 38352
- c. Ex. 2711, T. 23702



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H-112. Prior to 1935 this line did not  
 1 arouse any doubts with the Japanese organs in Manchuria,  
 2 and in particular with the Cartographic Department of  
 3 the Kwantung Army which was engaged in the matter of  
 4 the Manchuria-Mongolian border. As far back as 1911  
 5 the Kwantung Territory Bureau published the "Great Map  
 6 of Manchuria" on which the border is shown to the east  
 7 of the Khalkha River.<sup>a.</sup> The contention of the defense  
 8 that it is the legend on the map, wherein it is stated  
 9 that the border runs "along the river," that should be  
 10 considered, is groundless, first of all because it is  
 11 clearly shown on the map itself that the border is to  
 12 the east of the river, and secondly because the border  
 13 actually runs along the river, but in the sense that  
 14 it passes parallel to the river. In 1926 the Kwantung  
 15 Bureau published a new map on which the border is shown  
 16 passing to the east of the Khalkha River.<sup>b.</sup> On the  
 17 map published by the Kwantung Territory Administrative  
 18 Bureau in 1934 the borderline is also shown east of the  
 19 Khalkha River.<sup>c.</sup> The border line in that area was  
 20 changed on the maps published by the Kwantung Bureau  
 21 only in 1935, when Japanese imperialists planning  
 22 aggression arbitrarily transferred the border line  
 23  
 24

(H-112. a. Ex. 2710, T. 23697

b. Ex. 2709, T. 23694

c. Ex. 764A, T. 7842)

from the east of the river on the Khalkha River it-  
self, thus contradicting all of their own maps published  
prior to that time.<sup>d.</sup> But even after the border line  
had been falsified the Kwantung Army Staff continued  
to publish secret maps, intended for restricted usage  
only, on which the border was marked correctly, i.e.,  
to the east of the Khalkha River. One of these maps  
published in December 1937 was forwarded by Chief  
of the Kwantung Army Staff TOJO to Vice-War Minister  
UMEZU.<sup>e.</sup>

H-113. The marking of the border to the east  
of the Khalkha River is generally accepted in the most  
authoritative foreign cartographical publications. The  
following publications were submitted to the Tribunal:<sup>a.</sup>

- (1) The map of China from The Handy Royal  
Atlas of Modern Geography, published by  
Johnston in London, in 1927.
- (2) The Map of Eastern Siberia from Stieler's  
Hand-Atlas, published by Justus Perthes,  
at Gotha, in 1905.
- (3) The Map of China from the New Handy Gen-  
eral Atlas, published by George Philip,  
in London, in 1930.

(H-112. d. Ex. 764-B (H-113. a. Ex. 3855, T. 38344)  
e. Ex. 719-B;  
Ex. 719-D)

1 (4) The Map of China and Japan from the World  
2 Atlas, published by Rand McNally & Co.,  
3 in New York, in 1932-33.

4 (5) The Map of China and Japan from The Times  
5 Handy Atlas, published by John Bartholomew,  
6 in London, in 1935.

7 (6) The Map of Asia from the Columbus Welt-  
8 atlas, published by Paul Oestergard, in  
9 Berlin, in 1937.

10 (7) The Map of East Asia from the Cappelen  
11 Verdens Atlas, published by Cappelen in  
12 Oslo in 1937.

13 On all these maps the border line between Mongolia and  
14 Manchuria is shown not on the Khalkha River, but to the  
15 east of it, i.e., in accordance with the contentions  
16 of the Soviet-Mongolian side.

17 H-114. The defense contends that the marking  
18 of the border on the Khalkha River:

19 "rests upon old administrative boundaries  
20 of the Ching's Empire and is evidenced rather  
21 by tradition and description by metes and bounds  
22 in ancient writings than by accurate maps or by  
23 boundary-markers."<sup>a</sup>

24 But they were not able to introduce any "ancient  
25 (H-114. a. T. 22419)



manuscript" of that kind or a historic map, as neither  
1 "ancient Chinese manuscripts" nor historic maps which  
2 would show the border running on the Khalkha River  
3 and not to the east of it are in existence. One cannot  
4 say that the defense did not endeavor to find Chinese  
5 maps corroborating its point of view. For this pur-  
6 pose it called as its witness YANO, Mitsuji, a former  
7 Japanese intelligence agent who at one time had been  
8 conducting espionage and subversive activities against  
9 the Mongolian Republic. This witness introduced two  
10 maps of which one is absolutely illegible, as the bor-  
11 der line is covered with an inscription, and the other  
12 is taken from the book "Halum Bair," of which it is  
13 not known when and by whom it was written or whether  
14 it was published in China, Japan or some other place.  
15 It is natural that the map taken from this book has  
16 no probative value whatsoever.<sup>b.</sup> The defense introduced  
17 several sheets of a Japanese map which had been pub-  
18 lished at different times by the Japanese Geodetic Sur-  
19 vey Bureau in Tokyo. They show the border on the  
20 Khalkha River. The fact that the border line is shown  
21 on the river and not to the east of it on a Japanese map  
22 would have been favorable for the Japanese contentions  
23 only if convincing grounds for such a marking of the  
24 (H-114. b. Ex. 2650-A; Ex. 2650-B)  
25

border had been submitted. Only official Chinese, Manchurian or Mongolian maps could have served as such grounds. But the border line as marked on the above-mentioned Japanese map is at variance with these maps, as well as with the maps drawn up by the Japanese organs themselves which were in charge of the matters concerning the border between Manchuria and Mongolia.<sup>c.</sup> The defense introduced also an unofficial map published by the South Manchurian Railroad in November 1937 which shows the border line on the Khalkha River. This map was published after the maps of the Kwantung Bureau obligatory for the South Manchurian Railroad had been falsified.<sup>d.</sup> This map, naturally, does not prove anything. And finally the defense introduced the map of the Asiatic Part of the U.S.S.R. with the Bordering Countries published by the Red Army Military Topographers' Department in 1933, on which the border is erroneously shown not to the east of the Khalkha River, but on the river.

H-115. The following is stated concerning this point in the Certificate of the Military Topographic Department of the U.S.S.R. Armed Forces General Staff:

(H-114. c. Ex. 763, T. 7841; Ex. 764-A, T. 7842; Ex. 719-B; Ex. 719-D; Ex. 2709-A, T. 23694; Ex. 2710-A, T. 23697 d. Ex. 719-E)

1 . . . "After the VIIth sheet had been republished  
2 the error in the state border line between the  
3 Mongolian People's Republic and Manchuria was dis-  
4 covered on this sheet, and measures were taken  
5 to study cartographic materials available in the  
6 archives, geographical atlases of various coun-  
7 tries and documentary materials of the Mongolian  
8 People's Republic Government relating to the  
9 Lake Buir-Nur area. These materials corroborated  
10 that the state border between the Mongolian  
11 People's Republic and Manchuria as shown on the  
12 VIIth sheet of the map (scale 1"= 100 versts)  
13 is wrong and therefore afterwards, when maps  
14 of any scale were published, the border be-  
15 tween the Mongolian People's Republic and  
16 Manchuria was marked to the east of the Khalhin-  
17 Gol River, that is where it actually passes in  
18 the area." <sup>a.</sup>

19  
20 Maps of the U.S.S.R. General Staff published in 1934-36  
21 on which the border invariably was marked to the east  
22 of the Khalkha River, and not on the river, have been  
23 introduced in evidence. <sup>b.</sup> Thus, the analysis of

24 (K-115. a. Ex. 3855, T. 38345  
25 b. Ex. 2714, T. 23848;  
Ex. 3855, T. 38346;  
Ex. 3652, T. 35973)



1 materials pertaining to the issue of the boundary in  
2 the Nomonhan area shows, contrary to the defense's  
3 allegations, not that "the border line is not clear,"  
4 but that the Japanese-Manchurian forces violated firmly  
5 established state boundary line of the Mongolian  
6 People's Republic which had been guarded by the Mon-  
7 golian border guards of old.

8 H-116. The attack in the Nomonhan area had  
9 been thoroughly prepared by the Kwantung Army. In the  
10 Memorandum of the Military Historic Department of the  
11 U.S.S.R. General Staff it is stated:

12 "Since January 1939 the Japanese armed  
13 detachments began to systematically violate the  
14 state frontier of the M.P.R. There were about  
15 thirty violations of that kind. Simultaneously,  
16 a large group of regular troops of the 23rd  
17 Infantry Division and Bargut cavalry regiments  
18 was concentrated on the sector of the frontier  
19 in this area, which from the Mongolian side was  
20 guarded only by a small frontier outpost. . . .

21 "The Japanese beforehand had built a railroad  
22 leading to the area where it was planned to begin  
23 the attack. For the purpose of carrying out the  
24 military topographical preparation of the battle  
25 area, the Japanese, as early as in the middle of

April 1939, sent a topographical detachment

1 of the Kwantung Army Headquarters to this  
2 area. The 23d Infantry Division had to ensure  
3 the work of this detachment." <sup>a.</sup>

4 The fact that the military topographic preparation of  
5 the battle area had been carried out beforehand was  
6 corroborated by the original order N 1 to the 6th  
7 Japanese Infantry Regiment. <sup>b.</sup>

8 H-117. The former commander of the 7th border  
9 guard outpost, Major Chogdon, gave the following testi-  
10 mony concerning the opening of hostilities by the  
11 Japanese and Manchurians:  
12

13 ". . . Our outpost was subjected to repeated  
14 attacks both from Japanese Bargut detachments  
15 and units of the Japanese forces. . .

16 "At about 8 o'clock in the morning on May 11,  
17 1939, a Japanese-Bargut cavalry detachment, 300  
18 men strong, armed with machine guns, rifles, and  
19 grenades, accompanied by 4 trucks crossed the  
20 state frontier in the area Namun Khan-Burd-obo  
21 and attacked the frontier guard outpost. . . .

22 "Under the pressure of superior enemy forces  
23 our frontier guard patrol was forced to retreat  
24 into the Mongolian territory. The Japanese-Bargut  
25

(H-116. a, Ex. 766, T. 7845  
b. Ex. 766, Appendix No. 7)

unit advanced 20 kilometers deep into our  
 territory, but was stopped. . .by our reserve  
 frontier guard unit. . .and then toward the  
 evening of May 12, 1939, was driven back on  
 to its territory." <sup>a.</sup>

At the time of the beginning of military operations  
 there were neither Mongolian, nor Soviet regular troops  
 on the eastern bank of the Khalkhin-Gol River. The  
 nearest detachment of the Soviet forces was located  
 in the vicinity of the town of Tamtsak-Bulak, which  
 is 120-130 kilometers from the Khalkhin-Gol River. <sup>b.</sup>

H-118. The progress of military actions is  
 described in the Memorandum of the U.S.S.R. General  
 Staff. <sup>a.</sup> The course of the events was shown in detail  
 in the testimony of Major Chogdon and Major Bykov,  
 the participants in the first military clashes with  
 the Japanese and Manchurian forces. <sup>b.</sup> Since May 1939  
 the Japanese Command had been constantly increasing the  
 armed forces and military technical equipment. As it is  
 seen from Order No. 1532 to the Kwantung Army, by  
 June 20, 1939 the Japanese forces had the following  
 task set to them: "In order to annihilate the Outer

(H-117. a. Ex. 3862, T. 38533  
 b. Ex. 3857, T. 38361)

(H-118. a. Ex. 766, T. 7845  
 b. Ex. 3857, T. 38360; Ex. 3862, T. 38531)



1 Mongolian Army . . . prepare for conducting rear opera-  
2 tion." <sup>c.</sup> At that time the following units and detach-  
3 ments were taking part in military operations on the  
4 Japanese side: the 23d and the 7th Infantry Divisions,  
5 the 1st Tank Group, the 3d and 4th Tank Regiments, the  
6 2d Air Force Corps, Manchurian troops of the Hingan  
7 Military District; the 1st Separate Artillery Regiment,  
8 the 24th Engineers Regiment, a part of the 22d Engineers  
9 Regiment and other smaller detachments. <sup>d.</sup> Counting on  
10 numerical superiority and on the considerable amount  
11 of fighting equipment with which their forces were  
12 supplied the Japanese Command decided to force the  
13 Khalkhin-Gol River and to launch an offensive on the  
14 left (the western) bank of the river, i.e., on the  
15 territory which even according to the falsified Japan-  
16 ese military maps belonged to the Mongolian People's  
17 Republic. In Order No. 105 to the 23d Division, dated  
18 June 30, 1939, it was stated:

19 " . . . The main forces of the Division  
20 are to cross the Khalha River and to capture  
21 the enemy forces . . . to annihilate them." <sup>e.</sup>

22 The defense witness HASHIMOTO, Gun, former  
23 Chief of the Operations Department of the Japanese  
24

25 (H-118. c. Ex. 766, Appendix No. 9  
d. Ex. 766, Appendix No. 9  
e. Ex. 766, Appendix No. 10)

1 Army General Staff, corroborated during the cross-  
2 examination that: "The crossing of the river was  
3 based on a plan." f.

4 H-119. Concerning the scale of the Khalkhin-  
5 Gol military operations, even the defense witnesses  
6 gave testimony describing fighting as large-scale mili-  
7 tary operations and not as a "border incident" which  
8 the defense now endeavors to substitute for the Japanese  
9 aggression in the Nomonhan Area. HASHIMOTO, Gun, and  
10 OGISU, Rippo, former commander of the 6th Army, admitted  
11 during cross-examination that due to the events in  
12 the Nomonhan Area the 6th Army was organized consisting  
13 of the 23d and 7th Infantry Divisions, three regiments  
14 of Manchurian cavalry, three heavy artillery regiments,  
15 anti-tank batteries of the 1st Infantry Division, the  
16 71st, 72d, 64th, 28th, 27th, 26th and 25th Infantry  
17 Regiments. a. HASHIMOTO, Gun, also admitted that the  
18 2d Air Force Corps, comprising 200 planes, participated  
19 in the fighting, b. and that by the Japanese Army General  
20 Staff order the Japanese Air Force bombed the Mongolian  
21 towns in the rear. c.

22 H-120. The hostilities continued from May  
23 (H-118. f. T. 22640)

24 (H-119. a. T. 22647; T. 23038-9  
25 b. T. 22654  
c. T. 22598)

1 through September 1939 and were terminated only after  
2 the rout of the Japanese and Manchurian forces. The  
3 Mongolian and Soviet troops having routed the Japanese  
4 and Manchurian forces stopped on the state border line.  
5 Concerning this Major Bykov testified: "...After the  
6 Japanese had been defeated we did not follow them across  
7 the border, though we had a chance of going forward  
8 up to Hailar. After the cessation of hostilities we  
9 took up the defensive along the state boundary line  
10 which remained exactly in the same place in which it  
11 had run prior to May 11, 1939."<sup>a.</sup> Even the defense wit-  
12 ness OGISU, Rippo, former Commander of the 6th Army,  
13 admitted that the Russian forces did not penetrate  
14 beyond the boundary claimed by them.<sup>b.</sup>

15 H-121. It is seen from the Molotov-TOGO  
16 agreement concluded in 1940 concerning the Nomonhan  
17 events and from the map attached thereto<sup>a.</sup> that the  
18 Border Demarkation Committee established the border  
19 in full conformity with the Soviet and Mongolian conten-  
20 tions which in fact shows that the Japanese Government  
21 admitted being wrong.

22 H-122. The Japanese aggression in the Nomonhan  
23 (H-120. a. Ex. 3857, T. 38368  
24 b. T. 23071; T. 23080)  
25 (H-121. a. Ex. 767, T. 7849;  
Ex. 3652)



1 area brought death to thousands of Soviet enlisted men  
2 and officers. The killing of Soviet and Mongolian  
3 military men committed during the aggressive war started  
4 by the Japanese imperialists was a criminal premeditated  
5 act, the responsibility for which rests with the major  
6 Japanese war criminals in accordance with Count 51 of  
7 the Indictment. As in the case of the events in the  
8 vicinity of Lake Khasan, the defense, trying to refute  
9 the prosecution evidence concerning the Nomonhan events,  
10 resorted to the testimony of a number of persons who  
11 themselves should have been in the dock. Thus, for  
12 instance, besides YANO, Mitsuji, who has been charac-  
13 terized above, the following persons took the stand  
14 as defense witnesses: (1) OGISU, Rippo, former Lieuten-  
15 ant General, Commander of the 6th Army, which had been  
16 specially formed for conducting military operations  
17 against the Soviet and Mongolian forces and which took  
18 active part in the fighting. His hands are covered  
19 with the blood of thousands of Soviet and Mongolian  
20 enlisted men and officers. (2) HATTORI, Takashiro,  
21 former Japanese colonel, who could not write correctly  
22 the names of the places where the fighting had occurred,  
23 but "remembered" the minute details of the circumstances  
24 of the conference allegedly having taken place at the  
25 Kwantung Army Commander's Headquarters, the circumstances

1 favorable to the defense. (3) OTA, Saburo, a third-  
2 class Japanese diplomat, who at the will of the de-  
3 fense became not only a witness on the issue of diplo-  
4 matic actions of Japan, but also an expert on military  
5 matters. He testified regarding the progress of mili-  
6 tary operations of which he, being in Moscow, did not  
7 know anything. (4) HASHIMOTO, Gun, former Chief of  
8 the Operations Department of the Japanese Army General  
9 Staff. The allegations of the defense witnesses come  
10 to the following: It was not the Japanese and Man-  
11 churian troops who attacked the Mongolian border guards;  
12 but vice-versa, the attack was launched by the latter.  
13 This absurd allegation that a small Mongolian border  
14 guard outpost attacked the Hailar Japanese-Manchurian  
15 border garrison comprising at least two divisions does  
16 not need to be refuted.

17 H-123. As in the case of the undeclared war  
18 in the Lake Khasan Area, the defense endeavors to  
19 belittle the importance of the Nomonhan events and to  
20 present them as a border incident. But in this case,  
21 too, the attempts of the defense are not successful.  
22 This is shown by the scale of the fighting, by its  
23 protracted nature, by the preparation for it, and by  
24 the active role played by the Japanese Government.  
25 Military operations with the use of tanks, heavy

1 artillery and bombers and fighters continued more than  
2 three months. According to minimum estimate, four  
3 infantry and cavalry divisions, several heavy artillery  
4 regiments and a large number of aircraft participated  
5 in the fighting on the Japanese-Manchurian side. Mili-  
6 tary operations had been prepared beforehand; a rail-  
7 road had been constructed; military-topographical pre-  
8 paration had been conducted; not less than one and  
9 one-half or two infantry divisions had been concentrated  
10 by the time of the outbreak of hostilities. The defense  
11 witness HASHIMOTO, Gun, stated the number of Japanese  
12 losses as 10,000 men.<sup>a.</sup> The Court knows from the tes-  
13 timony of the prosecution witnesses that actual Japanese  
14 losses in man power were five times as many,<sup>b.</sup> but  
15 even the figure given by a prejudiced Japanese witness  
16 shows that the Nomonhan events were large-scale mili-  
17 tary operations.

18  
19  
20  
21  
22 (H-123. a. T. 22655  
23 b. T. 38370)  
24  
25



1 H-124. The Japanese Government approved of  
2 and sanctioned the actions of the Kwantung Army.  
3 Former Japanese Prime Minister, not the accused  
4 HIRANUMA, at first tried to deny that the Government  
5 had played any part in the Nomonhan events saying that:  
6 "... the military acted independently, without  
7 reporting their actions to the Government." But he  
8 was confronted by the facts and was forced to admit  
9 that he: "... received information about the outbreak  
10 of the incident from War Minister ITAGAKI, Seishiro."  
11 Further he stated: "I spoke about the cessation of  
12 hostilities many times, but the military circles were  
13 of different opinion." <sup>a.</sup> Reference to the anonymous  
14 "military" whom the cabinet allegedly could not keep  
15 in hand can in no way relieve HIRANUMA and other Japanese  
16 leaders who participated in the conspiracy of the  
17 responsibility for the aggressive military actions in  
18 the Nomonhan area. The Japanese ruling clique not only  
19 was fully conversant with the events and sanctioned the  
20 Kwantung Army's actions, but planned the further  
21 development of aggression even after the 6th Army had  
22 been routed. HASHIMOTO, Gun, testified that as early  
23 as August 30, the Imperial Headquarters had the intention  
24 of "setting part of the Imperial forces against  
25 (H-124. a. Ex. 768A, T. 7853.)

1 the Soviet Union." It was expected that the Kwantung  
2 Army would give "a hard blow upon the enemy force with  
3 reinforced military strength. . ."<sup>b.</sup> We shall not  
4 repeat arguments set forth above in the section deal-  
5 ing with the aggression in the Lake Khasan area and  
6 applicable to the Nomonhan events and showing that the  
7 responsibility of the Japanese imperialists for this  
8 act of aggression cannot be considered nullified.

9 7. THE ALLIANCE OF JAPAN, HITLERITE GERMANY  
10 AND FASCIST ITALY FOR AGGRESSION AGAINST  
11 THE U.S.S.R.

12 a. Anti-Comintern Pact - a Bloc of Aggressors  
13 against the U.S.S.R.

14 H-125. Japan's aggressive policy against  
15 the Soviet Union reached the climax of its intensity  
16 after Japan had entered into the conspiracy with  
17 Hitlerite Germany and fascist Italy. This conspiracy  
18 was given its shape by the signing on November 25,  
19 1936, of the Anti-Comintern Pact between Japan and  
20 Germany which Italy joined in 1937. The prosecution  
21 has already pointed out the evidence showing that the  
22 Anti-Comintern Pact was a conspiracy of aggressive  
23 nations against the democratic countries and was a  
24 camouflage for the purpose of covering up and  
25 (H-124. b. T. 22600.)

1 ideologically justifying aggression. The fight against  
 2 communism proclaimed by the Anti-Comintern Pact was in  
 3 fact nothing but a means for the mobilization of forces  
 4 and equipment for the purpose of aggression. "While  
 5 the Pact was ostensibly for self-protection against  
 6 communism, actually it was a preparatory move for sub-  
 7 sequent measures of forceful expansion by the bandit  
 8 nations. . ." These just words were said by the  
 9 former Secretary of State of the United States, Mr.  
 10 Cordell Hull.

11 H-126. The Anti-Comintern Pact was particu-  
 12 larly and primarily directed against the U.S.S.R. The  
 13 secret agreement attached to the Anti-Comintern Pact  
 14 dealt specifically with the Soviet Union. Article 1  
 15 of this agreement provided for common measures for the  
 16 fight against the Soviet Union. Still there was the  
 17 following reservation: "Should one of the high con-  
 18 tracting States become the object of an unprovoked  
 19 attack or an unprovoked threat of attack by the Union  
 20 of Soviet Socialist Republic . . ." However, since  
 21 the policy of peace conducted by the Soviet Union is  
 22 apparent to everybody, and is beyond any doubt, this  
 23 reservation is of no importance whatsoever and moreover  
 24 makes no sense. Foreign Minister ARITA stated the  
 25

(H-125. a. Ex. 1106, T. 10109)  
 (H-126. a. Ex. 480, T. 5936.)



1 following at the Privy Council meeting on the day of  
2 the conclusion of the Anti-Comintern Pact in 1936:  
3 "Soviet Russia has to consider the fact that she has  
4 to face both Japan and Germany. . ."<sup>b.</sup> Thus in the  
5 year 1937 Soviet Russia faced Japan, Germany and Italy,  
6 the latter joining the Anti-Comintern Pact at that  
7 time. That is what the Japanese ruling clique con-  
8 sidered to be the purpose of the Anti-Comintern Pact.

9 H-127. The letter written by SHIRATORI to  
10 ARITA on November 4, 1935,<sup>a.</sup> is important for an  
11 understanding of the Japanese Government's policy  
12 towards the U.S.S.R. at that time. SHIRATORI suggested  
13 that Japan should demand from the U.S.S.R. that she:

14 "abolish military armaments in Vladivostok, etc.

15 . . . Problems regarding transfer of the northern  
16 half of Saghalien at moderate prices are also in-  
17 cluded. In the future, purchase of the Maritime  
18 province of Siberia must also be considered. These  
19 demands should be made with firm determination. . .

20 I believe this object to be a drastic liquidation  
21 of relations with Soviet Russia. All diplomatic  
22 activities should be concentrated on this object.

23 . . . In order to eliminate the menace of Russia

24 (H-126. b. Ex. 485, T. 5967.)

25 (H-127. a. Ex. 774A, T. 7882.)

1 forever, it is necessary to make her a powerless  
2 capitalistic republic and to rigidly control her  
3 natural resources. . . At present the chances  
4 are good."

5 The conference of Four Japanese Ministers on August 7,  
6 1936, came to the conclusion that: ". . . Japan must  
7 exert every effort in bringing European powers to its  
8 advantage especially in restraining the Soviet Union." <sup>b.</sup>

9 I also invite the Tribunal's attention to the follow-  
10 ing documents which will help to understand clearly  
11 the policy of the Japanese Government towards the  
12 U.S.S.R at that time: (1) To the conversation between  
13 ITAGAKI and ARITA about combining Outer Mongolia with  
14 Japan and Manchuria in order to deliver the strongest  
15 blow at the security of the Soviet Far East; <sup>c</sup> (2) To  
16 the Soviet Note of Protest to the Japanese Government  
17 of May 4, 1936, on account of subversive activities  
18 of the Japanese authorities in Manchuria against the  
19 Soviet Union with the employment of White Russians; <sup>d.</sup>

20 (3) To the Report on Provocative Actions of the Jap-  
21 anese on the Soviet border in the vicinity of Lake  
22 Khanka which took place on November 26, 1936; <sup>e</sup> (4) To  
23 telegrams re: establishment of a secret air line  
24

25 (H-127. b. Ex. 704, T. 7523 d. Ex. 735, T. 7660  
c. Ex. 761A, T. 7830 e. Ex. 751, T. 7750.)

1 connection between Japan and Germany via Asia;<sup>f</sup> and  
 2 (5) To OSHIMA's testimony wherein he stated: ". . while  
 3 there were no secret pacts in 1937, the Germany Army  
 4 and the Japanese Army agreed to furnish each other with  
 5 intelligence about the Russian military. In this re-  
 6 gard it was decided to intensify the use of White  
 7 Russians who had already been used quite a bit. . ." <sup>g.</sup>

8 H-128. The Anti-Comintern Pact was the per-  
 9 manent basis of Japan's policy towards the Soviet Union  
 10 in subsequent years. Prime Minister HIRANUMA, in his  
 11 address to Hitler on May 4, 1939, stated that: "It  
 12 is a confirmed joy to me how effective the Anti-Com-  
 13 intern agreement between our two countries proves  
 14 itself in the execution of the tasks placed before  
 15 them." <sup>a.</sup> Ribbentrop in his talk with OSHIMA on  
 16 February 23, 1941, said: "It was Japan's friendship  
 17 which enabled Germany to arm after the anti-Comintern  
 18 Pact was concluded. On the other hand Japan was able  
 19 to penetrate deeply into the English sphere of interest  
 20 in China." <sup>b.</sup>

22 H-129. As a result of the Anti-Comintern Pact  
 23 hostile encirclement of the Soviet Union was estab-  
 24 lished. By the Tribunal's rulings of August 22 and

25 (H-127. f. Ex. 770, T. 7871 (H-128. a. Ex. 503, T. 6103  
 g. Ex. 487, T. 6021.) b. Ex. 769, T. 7870)



1 December 26, 1946, the Tribunal took judicial notice  
2 of the following facts which occurred prior to the  
3 conclusion of the Tripartite Pact (in September, 1940)  
4 as stated in the book published by the United States  
5 Government under the title of "Events Leading Up To  
6 World War II":

7 "February 20, 1938 - Chancellor Hitler recog-  
8 nized Manchukuo and expressed preference for a Japanese  
9 victory."

10 "March 11, 1938 - Germany occupied Austria  
11 and on March 13 Austria was incorporated into the  
12 German Reich."

13 "March 15, 1939, - German troops occupied  
14 Czechoslovakia, and on March 16, established protectorate  
15 over Bohemia and Moravia."  
16

17 "September 1, 1939 - Germany invaded Poland."

18 "March 30, 1940 - The Wang Ching-wei Govern-  
19 ment was proclaimed in Nanking."

20 (I would like to add parenthetically that actually  
21 this means the establishment of the Japanese domination  
22 in the greater part of China.) In addition to these  
23 facts we proved that in the same period of time Japan  
24 waged undeclared aggressive wars against the Soviet  
25 Union in the Lake Khasan area in 1938 and in the Nom-  
onhan area in 1939. Thus as a result of the first

1 stage of the conspiracy between Germany and Japan  
 2 against the U.S.S.R which found its formal expression  
 3 in the Anti-Comintern Pact, the forces of the aggressors  
 4 came up closely to the U.S.S.R. borders and stood  
 5 against the Soviet Union as a terrible menace.

6 H-130. Most of the documents introduced by  
 7 the defense on this subject are devoted to proving that  
 8 Germany and Japan had the right to fight the Comintern  
 9 inasmuch as its activities interfered with their  
 10 interests. Such are the speech of Foreign Minister  
 11 ARITA;<sup>a.</sup> the statement of the Japanese Foreign  
 12 Ministry;<sup>b.</sup> the speech delivered by Prime Minister  
 13 HAYASHI;<sup>c.</sup> explanations given to ARITA by the Chief of  
 14 Staff of the Kwantung Army ITAGAKI,<sup>d.</sup> and Ribbentrop's  
 15 affidavit.<sup>e.</sup> In substance these documents are irrele-  
 16 vant to the issues involved in the case, as the accused  
 17 are not charged with fighting the Comintern. They are  
 18 charged with having carried on an aggressive policy  
 19 aspiring to seize foreign lands and to conquer other  
 20 peoples under cover of a struggle with the communist  
 21 movements. Having nothing to defend with against  
 22 the substance of the charges, the accused create a  
 23 nonexistent version of the charges for the purpose of

24 (H-130. a. Ex. 2370, T. 18387 d. Ex. 2613, T. 22468  
 25 b. Ex. 2371, T. 18398 e. Ex. 2762, T. 23146.)  
 c. Ex. 2508, T. 20979

trying to knock it down subsequently with a flourish.

We are convinced that this method will not meet with any success with the International Tribunal.

H-131. With regard to the substance of the charges, the accused, on the one hand, seem not to deny Japan's pronounced hostile attitude towards the Soviet Union at the time of the conclusion of the Anti-Comintern Pact and do not deny that the Pact was directed against the U.S.S.R., but on the other hand they are not unwilling to deny all this. The group of documents containing no denials includes the affidavit of Ribbentrop which contains an admission, though rather a timid one, that: "Of course, there was also a political weight against Soviet Russia that was more or less the background of the pact." Among the documents which purported to prove that the Anti-Comintern Pact was not directed against the U.S.S.R. there is the statement of the Japanese Foreign Ministry to the effect that:

"there exists no other agreement whatsoever, that the Japanese Government has no intention to form or join in, any special international bloc for any other purposes and finally that the present agreement is not directed against the Soviet Union (H-131. a. Ex. 2762, T. 24,737.)



or any other specific country." b.

1 So "there exists no other agreement whatsoever," but  
2 what about the secret agreement? Each word of this  
3 statement is a deception, and the statement as a whole  
4 is an official lie of the Japanese Government.  
5

6 THE PRESIDENT: We will adjourn until half  
7 past nine.

8 (Whereupon, at 1600, an adjournment  
9 was taken until Wednesday, 18 February 1948,  
10 at 0930.)  
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